

**CRIMINAL CODE
OF THE DOMINICAN REPUBLIC**

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Law No. 12-07167

EXPLANATORY NOTE

For all matters related to fines or pecuniary sanctions, Law No. 12-07 dated January 5, 2007, promulgated by the Executive Power on January 24, 2007 and published in the Official Gazette No. 10409, which is copied in extenso in this publication, must be taken into account.

CRIMINAL CODE

OF THE DOMINICAN REPUBLIC

PRELIMINARY PROVISIONS

Art. 1.- The infraction that the laws punish with police penalties is a contravention. The infraction that the laws punish with correctional penalties is a crime. An infraction punishable by law with an afflictive or infamous penalty is a crime.

Art. 2.- Any attempt to commit a crime may be considered as the same crime, when it manifests itself with a beginning of execution, or when the guilty party, in spite of having done everything on his part to consummate it, does not achieve his purpose due to causes independent of his will; these circumstances being subject to the appreciation of the judges.

Art. 3.- Attempts to commit a crime shall not be considered crimes, except in those cases in which a special provision of the law so determines.

Art. 4.- Contraventions, offenses and crimes committed shall not be punishable except by virtue of a provision of law enacted prior to their commission.

Art. 5.- The provisions of the present code are not applicable to contraventions, offenses or military crimes.

***BOOK FIRST:
OF PENALTIES IN CRIMINAL MATTERS AND
CORRECTIONAL AND THEIR EFFECTS***

Article 6. Penalties in criminal matters are afflictive and inflictive.
mantas; or infamous only.

Article 7.- (Modified by Law 46-99 of May 20, 1999). The afflictive and infamous penalties are: 1st, that of major confinement; 2nd, detention and 3rd, minor confinement.

Art. 8.- Civic degradation is an infamous penalty.

The penalties in correctional matters are: 1st , banishment; 2nd , confinement; 3rd , temporary imprisonment; 4th , interdiction for a certain period of time of certain civic, civil or family rights; 5th , fine* .

Art. 10.- The penalties pronounced by law for felonies and misdemeanors shall always be imposed, without prejudice to the restitution and damages that may result in favor of the aggrieved parties.

Art. 11.- The following penalties are common to criminal and correctional matters: the subjection of the convicted person to the supervision of the high police, the fine** and the special confiscation of the body of the crime, when it is the property of the convicted person, that of the things produced by the crime, and finally, that of those that were used for its commission or that were destined for that purpose.

**CHAPTER I:
OF PENALTIES IN CRIMINAL MATTERS**

(Repealed by Law 64 of November 19, 1924, G.O. 3596).

Art. 13.- (Repealed by Law No. 64 of November 19, 2001.

1924 G.O. 3596).

* See explanatory note.

** See explanatory note.

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(Repealed by Law 64 of November 19, 1924, G.O. 3596).

(Repealed by Law 224 of June 26, 1984).

(Repealed by Law 224 of June 26, 1984).

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The sentence of major incarceration shall entail the deprivation of civic and civil rights.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The sentence of major incarceration shall be pronounced for at least three years and at most twenty years.

Art. 19.- Anyone who is sentenced to detention shall be imprisoned in one of the fortresses of the Republic, which have been destined for that purpose by provision of the Executive Power.

Art. 20.- Those sentenced to detention shall be in communication with the persons employed inside the place of detention, or with those outside, observing the police regulations established by provision of the Executive Power.

Article 21.- Detention may not be pronounced for less than three years, nor for more than ten.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Every person of either sex, sentenced to minor imprisonment, shall be locked up in the public jail and employed in labor, the proceeds of which shall be applied in part to their benefit, in the manner determined by the Government.

Article 23.- The maximum duration of this penalty shall be five years, and the minimum of two years.

Article 24 - The duration of sentences, both in convictions in correctional matters pronounced against those who have been sentenced to a term of imprisonment and those who have not been sentenced to a term of imprisonment, shall be determined by the court.

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Individuals who are in a state of pre-trial detention, such as those that take place in criminal matters, will be counted from the day of the inquisition of the defendant.

(Repealed by Law 64 of November 19, 1924, G.O. 3596).

(Repealed by Law 64 of November 19, 1924, G.O. 3596).

(Repealed by Law 64 of November 19, 1924, G.O. 3596).

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The sentencing to the penalties of major confinement, detention or minor confinement, carries with it the civic degradation. This penalty is incurred from the day the sentence is irrevocable; and in the case of conviction in contumacy, from the day of the notification on the witness stand.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Every person sentenced to detention or minor confinement shall remain in a state of legal interdiction for the duration of the sentence. These, as well as those sentenced to major incarceration, shall be appointed guardian and pro- tutor, who shall care for and administer their property. This appointment shall be made in accordance with the provisions prescribed by the Civil Code for guardians and pro- tutors of the incapacitated.

Art. 30.- The property of the convicted person shall be returned to him after he has undergone his sentence, and the guardian shall give him an account of its administration.

Art. 31.- For the duration of the sentence, no sum may be given to him, nor may any allowance be made to him, nor may any part of his income be given to him.

Art. 32.- (Amended by Laws 224 of June 26, 2001, and amended by Laws 224 of June 26, 2001, and by Laws 224 of June 26, 2001)

1984 and 46-99 of May 20, 1999). Civic degradation

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The sentence consists: 1st, in the removal or exclusion of the convicted from all public functions, employments or offices; 2nd, in the deprivation of the right to elect and be elected; and in general, in that of all civic and political rights; 3rd, in the disqualification to be a juror or expert, to appear as a witness in acts, and to give testimony in trial, unless he testifies to give simple news; 4th, in the disqualification to form part of any family council, and to be a guardian, curator, pro-tutor or judicial consultant, unless it is not of his own children, and with the prior consent of the family; 5th, in the deprivation of the right to bear arms, to belong to the national guard, to serve in the Dominican army, to open schools, or to teach, or to be employed in any establishment of instruction as a teacher, master

or orderly.

Art. 33.- Whenever civic degradation is pronounced as the principal penalty, it may be accompanied by imprisonment, the duration of which, fixed by the sentence of conviction, may not exceed five years. If the guilty party is a foreigner, or a Dominican who has lost his nationality, the penalty of imprisonment shall always be pronounced.

Art. 34.- (Amended by Laws 64 of November 19, 2004, and amended by Laws 64 of November 19, 2004)

1924 O.S. 3596; 4381 of February 7, 1956 O.S. 7945; 224 of June 26, 1984 and 46-99 of May 20, 1999). All sentences of thirty years of major incarceration, major incarceration, detention, minor incarceration or civic degradation shall be printed in summary. Said sentences shall be posted, in the city of the provincial capital, at the following address

In the district in which they were issued, in the municipality where the act was committed, in the municipality where the execution was carried out, and in the municipality of the convicted person's domicile.

Article 35.- Confiscation of the property of convicted persons may not be ordered in any case, regardless of the nature of the crime or offense with which they are charged. For civil indemnities to be granted, such property may be pursued in accordance with the law.

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Art. 36.- Whenever the law moderates the punishment for a crime or misdemeanor, and the sentence is published before the judgment is pronounced against those convicted of the same crime or misdemeanor, they shall enjoy the benefit of the law.

CHAPTER II: OF PENALTIES IN CORRECTIONAL MATTERS

(Implicitly modified by article 8 of the **Constitution of the Republic**). Every person sentenced to banishment shall be taken, by order of the Government, out of the territory of the Republic. The duration of the banishment may not exceed three years nor be less than one.

Article 38.- (Implicitly modified by Article 8 of the **Constitution of the Republic**). If before the expiration of the

sentence the exiled person enters Dominican territory, he shall be sentenced, with the identity of his person justified, to imprisonment.

for a period of time at least equal to that still remaining before the expiration of the banishment, without the sentence imposed in this case being pronounced for a longer period of time.

(Amended by Law 4381 of February 7, 1956) Art. 39.

G.O. 7945 and implicitly modified by Article 8 of **the Constitution of the Republic**). Every person sentenced to confinement shall be taken to the head city of the province or district or to the municipality of the territory of the Republic indicated in the sentence of conviction. The duration of this sentence shall be at least six months and at most two years. In the event that the prisoner leaves the place of his confinement, he shall be sentenced to correctional imprisonment for a period equal to that which he was sentenced to.

The expiration of the confinement was still pending.

Art. 40.- Every person sentenced to correctional imprisonment shall be detained in a house of correction. He shall be assigned, according to his choice, to one of the workshops established in the house. The duration of this sentence shall be at least six days and at most two years, except in cases of recidivism or other cases in which the law provides.

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otherwise. The computation of the time for the duration of the sentences is twenty-four hours for each day of arrest, and thirty days for each month.

Art. 41.- A part of the product of the work of the detainees for correctional offenses shall be destined to the common expenses of the house, another part to provide them with some advantages or relief during their detention, if they deserve it, reserving a third part to form a fund, which shall

be given to them upon their release from prison. In compliance with these provisions, the provisions of the regulations issued by the Executive Branch on the matter shall be observed.

Article 42.- The courts hearing cases in which a court is seized

Correctional matters may, in certain cases, deprive the convicted person of part or all of the exercise of the following civic, civil and family rights: 1st, that of voting and election; 2nd, that of eligibility; 3rd, that of being sworn or appointed to exercise other public functions, or to administrative posts; 4th, that of carrying arms; 5th, that of voting or suffrage in family deliberations; 6th, that of being a guardian or curator of persons other than his own children; and, with the consent of the convicted person, that of being a guardian or curator of persons other than his own children, of carrying arms; 5th , of voting or suffrage in family deliberations; 6th , of being a guardian or curator of persons other than one's own children, and with the assent of the family; 7th , of being an expert or serving as a witness in public acts; 8th , of giving testimony in a trial, unless it is received as simple notice.

The courts shall not pronounce the interdiction referred to in the preceding article, except when expressly authorized or ordered by law.

CHAPTER III: OF THE PENALTIES AND OTHER CONVICTIONS THAT MAY BE PRONOUNCED FOR CRIMES AND OFFENSES

Art. 44.- (Modified by the Constitution of 1966). The subjection to the surveillance of the high police, gives the Government the right to determine certain places, to which the convicted person will not be able to appear, but after having undergone his sentence.

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Fifteen days at least, before the convicted person obtains his freedom, he must state the place where he will fix his residence; and if he does not do so, the Government will fix

one. The individual sentenced to the surveillance of the high police, may not leave the residence he has chosen or which has been indicated to him before six months, without the authorization of the Secretary of State of the Interior and Police. However, the Governors

(1) In the case of a simple removal, within the limits of their province; and (2) in cases of urgency, but on a provisional basis only. Upon expiration of the six months, or earlier if the competent authorization has been obtained, the convicted person may travel to any place where he is not forbidden to do so, by informing the Governor or the local authority eight days in advance. The six-month stay referred to in the article is obligatory for the convicted person in each of the places he successively chooses, during the time he is under the surveillance of the high police, unless he obtains special authorization granted, in accordance with the preceding provisions, by the Secretary of State for the Interior and Police, or by the provincial governors. The convicted person who returns to his residence shall obtain a route order that regulates the itinerary he must follow, and from which he may not deviate, nor may he exceed the time he is given to stay in the places of transit. He shall be obliged to report to the authority of the place where he is to reside within twenty-four hours of his arrival.

Art. 45.- In case of violation of the provisions prescribed in the preceding article, the individual subject to the surveillance of the high police shall be sentenced by the correctional courts to imprisonment, which may not exceed two years.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). In no case may the duration of the sentence under high police supervision exceed five years. Those sentenced to major incarceration,

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to detention and minor imprisonment, shall remain as of right, after they have undergone their sentence and during

five years, under the supervision of the high police. However, the judgment of conviction may reduce this term, and even declare that the convicted person shall not be subject to supervision by the high police. Any person sentenced to the maximum penalty of rigorous imprisonment, who obtains a commutation or remission of his sentence, shall be subject, as of right, to the supervision of the High Police for five years, unless otherwise decided by the decree of pardon.

Art. 47.- Surveillance under the high police may be pardoned or reduced by pardon; and it may be suspended by governmental disposition.

Art. 48.- The prescription of the penalty does not relieve the convicted person from the supervision of the high police, to which he is subject. In the case of prescription of the most severe afflictive penalty, the convicted person shall be, as of right, under the surveillance of the high police for five years; and it shall not produce its effects until the day on which the prescription is fulfilled.

Art. 49.- Individuals who have been convicted of crimes or offenses against the internal or external security of the State shall be subject to surveillance by the high police.

Art. 50.- Apart from the cases determined by the preceding articles, convicted persons shall not be subject to the vigilance of the high police, except in the case that this is established by a particular provision of the law.

When restitution is due, the guilty party may also be sentenced in favor of the aggrieved party, if the latter so requires, to indemnification for the damages that he may have caused him, and these shall be assessed by the court when the law has not determined them. In no case may the courts, even with the consent of the aggrieved party, allocate the compensation to pious or other works.

any.

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Article 52 - The enforcement of sentences of fines^{*}, restitution, damages and costs may be pursued by means of physical constraint.

Art. 53.- When the fines^{**} and the costs are pronounced in favor of the Treasury, if after the expiration of the penalty, whether afflictive or infamous, or correctional, the convicted person proves by law his insolvency, the court shall order his release.

Art. 54.- When the assets of the convicted person are not sufficient to cover the sentences in which the payment of restitution, damages and fines are imposed simultaneously, the former sentences shall always be satisfied in preference to the latter.^{***}

Art. 55.- All individuals convicted of the same crime or of the same offense shall be jointly and severally liable for the fines, restitution, damages and costs that may be pronounced. .^{****}

CHAPTER IV: OF THE PENALTIES OF RECIDIVISM FOR CRIMES AND MISDEMEANORS

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The individual who, having been sentenced to an afflictive or infamous penalty, commits another crime that deserves, as main penalty, the civic degradation, shall be imposed the lesser imprisonment. If the second crime deserves the penalty of minor imprisonment, he shall be sentenced to detention; if the second crime deserves the penalty of detention, he shall be sentenced to major imprisonment.

Finally, if the second crime deserves the penalty of major reclusion, double the penalty that he suffered will be imposed.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

**** See explanatory note.

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first. However, the individual convicted by a court-martial, in the case of a subsequent crime or offense, shall not be punished with the penalties of recidivism, except when the first conviction had been pronounced for crimes or offenses punishable under the ordinary criminal laws.

Art. 57.- The individual who, having been sentenced for a crime to a penalty of more than one year of imprisonment, commits a crime or an offense to be punished with correctional penalties, shall be sentenced to the maximum penalty established by law, which may be increased up to double. The convicted person shall also be subject to the supervision of the high police for at least one year and at most five years.

Art. 58.- Whoever, after being sentenced to one year or less of imprisonment, commits a new crime, shall be sentenced to the maximum of the penalty established by law, and its duration may be increased to double the fixed term. He shall also be subject to special surveillance by the high police for at least one year and at most five years.

***BOOK SECOND:
OF PUNISHABLE, EXCUSABLE
OR RESPONSIBLE FOR CRIMES
OR OFFENSES***

CHAPTER SINGLE

Article 59.- Accomplices to a felony or misdemeanor shall be subject to the penalty immediately below that which corresponds to the perpetrators of such felony or misdemeanor, except in cases where the law provides otherwise.

Article 60.- The following shall be punished as accomplices to an action classified as a crime or offense: those who, by means of gifts, promises, threats, abuse of power or authority, machinations or guilty plots, provoke that action or give instructions to commit it; those who knowingly provide weapons or instruments, or facilitate the means that would have served to carry out the action. Those who knowingly aided or assisted the perpetrator or perpetrators of the action, in those acts that prepared or facilitated its execution, or in those that consummated it; without prejudice to the penalties specially established in this Code, against the perpetrators of plots or provocations against the internal or external security of the State, even in the case in which the crime that the conspirators or provocateurs intended to commit was not committed.

Art. 61.- Those who, knowing the criminal conduct of malefactors who engage in robbery or violence against the security of the State, public peace, persons or property, habitually provide them with lodging, hiding place or meeting place, shall be punished as their accomplices.

Article 62.- Those who have knowingly concealed, in whole or in part, stolen, stolen, subtracted or acquired by means of crime or offense shall also be considered accomplices and punished as such.

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(Modified by Laws 64 of November 19, 1924, G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999). In no case may the penalty of major incarceration be pronounced, when proceeding against the concealers, but after they have been convinced of having had knowledge, at the moment of the concealment, of the circumstances of the crime.

to which the law applies the penalty of thirty years of rigorous imprisonment or rigorous imprisonment: otherwise, the penalty of detention shall be imposed.

Art. 64.- When at the moment of committing the action the accused was in a state of insanity, or when he had been forced to do so by a force that he could not have resisted, there is no crime or offense.

Art. 65.- Crimes and offenses committed cannot be excused, nor can the penalties imposed by law be mitigated, except in the cases and circumstances in which the same law declares the excuse admissible, or authorizes the imposition of a less serious penalty.

Art. 66.- (Repealed by Law 14-94 or Code for the Protection of Children and Adolescents).

Art. 67.- (Repealed by Law 14-94 or Code for the Protection of Children and Adolescents).

Art. 68.- (Repealed by Law 14-94 or Code for the Protection of Children and Adolescents).

Art. 69.- (Repealed by Law 14-94 or Code for the Protection of Children and Adolescents).

Article 70.- (Modified by Law 382 of January 10, 1920, G.O. 3082). The penalty of public works shall never be imposed on those guilty persons who, at the time their cases are decided, are sixty years of age.

Article 71.- This penalty shall be substituted by imprisonment.

(Modified by Law 382 of January 10, 1920, **G.O. 3082**). **As soon as** a person sentenced to public works reaches the age of sixty, he shall be relieved of it; and considering him as if he had not been sentenced except to confinement, he shall be confined in a house of correction, for the time remaining to serve his sentence.

Art. 73.- Innkeepers and innkeepers who are convicted of having hosted, for more than twenty-four hours, anyone who, during their stay, has committed a crime or offense, shall be civilly liable for the restitution, compensation and expenses awarded to those to whom the crime or offense has caused any damage, with the fault being imputed to themselves, for not having entered in their register the name, profession and domicile of the guilty party; without prejudice to the liability that may be imposed on them in the cases provided for in Articles 1952 and 1953 of the Civil Code.

In all other cases of civil liability that may arise in criminal, correctional or police matters, the courts that hear them shall conform to the provisions of the Civil Code relating to crimes and quasi-delicts.

BOOK THIRD:
OF CRIMES AND OFFENSES
AND THEIR PUNISHMENT

TITLE I: CRIMES
AND OFFENSES
AGAINST THE PUBLIC

INTEREST CHAPTER I:

CRIMES AND OFFENSES AGAINST THE SECURITY OF THE STATE

SECTION 1: CRIMES AND OFFENSES AGAINST THE EXTERNAL SECURITY OF THE STATE

(Modified by Laws 64 of November 19, 1924 G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999). Any Dominican who takes up arms against the Republic shall be punished with thirty years of major reclusion.

(Amended by Laws 64 of November 19, 1924, G.O. 3596; 1384 of March 13, 1924, G.O. 3596; 1384 of March 13, 1924, G.O. 3596; 1384 of March 13, 1924).

1947 G.O. 6605; 224 of June 26, 1984 and 46-99 of May 20, 1999). Any person who, from the territory of the Republic, shall make or attempt to make agreements with foreign States or their agents, or with any foreign institution or simple persons, to try to have any war waged against the Republic or against the Government representing it, or to harass them in any way, or who, against the provisions of the Government, shall intervene in any way in the life of the State or in the life of any institution thereof, or who provides assistance for such purposes, shall be punished with thirty years of major confinement. The aforementioned sanction reaches all Dominicans who carry out the aforementioned actions, even if they are carried out from foreign territory.

(Modified by Laws 64 of November 19, 1924, G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999). The penalty of thirty years of rigorous imprisonment shall also be imposed on anyone who has made an agreement with the enemies of the State, or who by means of plots and concert with them, procures the means to facilitate their entry into the territory of the Republic and its dependencies, or the surrender of cities, fortresses, squares, posts, ports, warehouses, arsenals, ships or vessels belonging to the Republic. The same penalty shall be imposed on those who supply the enemies with men, soldiers, food, weapons or supplies, or who favor the progress of their weapons in the possessions of the Republic, or against the Dominican forces on land and sea, or who use the sack, or who attempt to corrupt the officers, soldiers, sailors or others attached to the army, making them lack the loyalty due to the Government or the Nation, or who in any other way attempt against national independence.

Art. 78.- However, if the result of correspondence with subjects of an enemy power is to provide the enemies with instructions detrimental to the military or political situation of the Republic or its allies, even if such correspondence has not had as its object any of the crimes enunciated in the preceding article, those who have carried it out shall be punished with detention; without prejudice to more serious penalties, in the event that such instructions have been the consequence of a concert of measures constituting the crime of espionage.

Art. 79. The penalties pronounced by Articles 76 and 77 shall be imposed on those who direct their machinations, plots or maneuvers to the detriment of the Republic, or of the allies who, in agreement with it, work against the common enemy.

The penalties provided for in Article 76 shall be imposed on any public official, government agent or any other person who, being in charge of or instructed, by reason of his duties, of the secrecy of a negotiation or shipment, shall have

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communicated to the agents of a foreign power, or to those of the enemy.

(Modified by Laws 224 of June 26, 1984 **and 46-99 of May 20, 1999**). Any public official, agent or delegate of the Government who, by reason of his office, is in charge of the deposit of plans of fortifications, arsenals, ports, inlets, harbors or roadsteads, has delivered one or many of them to the enemy, or to the agents of the enemy, shall be punished with thirty years of rigorous imprisonment. If the plans have been delivered to the agents of a friendly, allied or neutral Power, the penalty shall be detention.

Art. 82.- Any person who, by corruption, fraud or violence, succeeds in removing the said plans, and delivers them to the enemy, or to the agents of a foreign Power, shall be punished as the official or agent mentioned in the preceding article, and according to the distinctions established therein. If the said plans were in the hands of the person who delivered them, without illicit means having been used to obtain them, the penalty in the first case of Article 81 shall be that of detention; and in the second case of the same Article, the guilty party shall be sentenced to correctional imprisonment for a term of one to two years.

(Modified by Laws 224 of June 26, 1984 **and 46-99 of May 20, 1999**). Whoever has knowingly concealed or caused the concealment of soldiers or spies sent out into the open, shall be sentenced to thirty years of rigorous imprisonment.

Art. 84.- (Implicitly modified by article 8 of the **Constitution of the Republic**). He who, by hostile acts disapproved by the Government, has exposed the Republic to a declaration of war, shall be punished with the penalty of banishment; and if war has been the consequence of such acts, the penalty of detention shall be applied.

Article 85.- (Implicitly modified by Article 8 of the **Constitution of the Republic**). The penalty of banishment shall be imposed on anyone who, through unapproved acts, nor
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authorized by the Government, exposes Dominicans to reprisals, in their persons or in their property.

SECTION 2DA: CRIMES AGAINST THE INTERNAL SECURITY OF THE STATE

PARAGRAPH I: ATTACKS AND PLOTS AGAINST THE HEAD OF STATE

Art. 86.- Any offense committed publicly against the person of the Head of State shall be punished with imprisonment from six months to two years, and a fine* of fifty to five hundred pesos.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The attack whose object is to change the form of government established by the Constitution, or to excite citizens to arm themselves against the legally constituted authority, shall be punished with the penalty of minor imprisonment.

Article 88.- The execution or attempt shall only constitute the attempt.

Art. 89.- (Amended by Laws 224 of June 26, 1984; 46-99 of May 20, 1999 and modified by Laws 224 of June 26, 1984; 46-99 of May 20, 1999 and modified by

implicitly by Article 8 of the Constitution of the Republic).

Plotting for the purpose of the crime referred to in Article 87 shall be punishable by imprisonment for a term of imprisonment, if the acts have been committed or begun to be committed in preparation for its execution. If no act has been committed or begun to be committed in preparation for its execution, the penalty shall be banishment.

Article 90.- There is a plot from the moment when two or more persons agree among themselves the resolution to act. If there has been a proposal made, and not accepted, to form a plot to consummate the crime mentioned in article 87, the one who has made the proposal shall be punished with correctional imprisonment.

* See explanatory note.

PARAGRAPH II: CRIMES TENDING TO DISRUPT THE STATE BY CIVIL WAR, ILLEGAL USE OF ARMED FORCE, PILLAGE AND PUBLIC DEVASTATION

Art. 91.- (Amended by Laws 5007 of June 28, 1911 G.O. 2209; 4381 of February 17, 1956 G.O. 7945; 224 of June 26, 1984 and 46-99 of May 20, 1999). An attack whose purpose is to provoke civil war by inciting citizens or inhabitants to take up arms against each other, with the aim of bringing devastation, pillage or slaughter to one or more municipalities, shall be punished by twenty years of rigorous imprisonment. The plot formed to achieve one of the crimes provided for in this Article, and the proposal to form it, shall be punished with the penalties designated in Article 89, according to the distinctions established therein.

(Modified by Laws 5007 of June 28, 1911 G.O. 2209; 224 of June 26, 1984 and 46-99 of May 20, 1999). Those who, without the order or authorization of legitimate power, have raised armies, enlisted or enlisted soldiers, or who without the same order or authorization have supplied them with weapons or supplies, or have provided them with them, shall be punished with twenty years of major imprisonment.

(Modified by Laws 5007 of June 28, 1911, G.O. 2209; 224 of June 26, 1984 and 46-99 of May 20, 1999). Those who, without right or legitimate reason, have taken command of an army corps, a troop, a fleet, a squadron, a squadron, a warship, a stronghold, a port, a post or a city, or who, against the order of the Government, have taken command of an army corps, a troop, a fleet, a squadron, a warship, a stronghold, a port, a post or a city, shall be punished with the penalty of twenty years of rigorous imprisonment.

retained any military command.

Article 94.- The penalty of detention shall be imposed on anyone who, having at his disposal the public force, has required or ordered, caused to be required or ordered its action or use, against the legally established recruitment.

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Art. 95.- (Amended by Laws 896 of April 25, 1935, and amended by Laws 896 of April 25, 1935)

G.O. 4789; 224 of June 26, 1984 and 46-99 of May 20, 1999).

Any individual who has set fire to or destroyed, or attempted to set fire to or destroy, in whole or in part, by means of a mine, bomb or any other mechanism, shall be subject to the following penalties

explosive, buildings, warehouses, shipyards, dockyards, arsenals, bu-

The penalty shall be thirty years of rigorous imprisonment for the commission of a crime against the State.

Art. 96.- (Modified by Laws 5007 of June 28, 1911 **G.O. 2209; 224 of June 26, 1984 and 46-99 of May 20, 1999).** He

who to invade the domains, properties or public revenues, squares, cities, fortresses, posts, warehouses, arsenals, ports, ships or vessels of the State; he who to plunder or distribute public or national properties, or those of a generality of citizens; And finally, anyone who, in order to attack or resist the public forces working against the perpetrators of these crimes, has placed himself at the head of armed bands or gangs, or has exercised any command or function in them, shall be punished with twenty years of rigorous imprisonment. The same penalties shall apply to those who have directed the association, raised or caused to be raised, organized or caused to be organized the bands or gangs, or who have knowingly and voluntarily facilitated or supplied them with weapons, ammunition or instruments for the crime, or have sent them convoys of supplies

or in any other way have agreed with them.

with the directors or gang leaders.

(Modified by Laws 5007 of June 28, **1911 G.O. 2209; 224 of June 26, 1984 and 46-99 of May 20, 1999**). In the event that one or many of the crimes mentioned in Articles 87 and 91 have been executed, or that there has only been an attempt of execution by a gang, the penalty of twenty years of major incarceration shall be applied, without distinction of degrees, to all the individuals who have belonged to the gang or gang, or who have been

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apprehended at the place of the seditious meeting. The same penalty shall be imposed, even if he is not apprehended on the premises, on anyone who has led the sedition, or who has exercised any employment or command in the gang.

Article 98.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). Except in the case in which the seditious meeting has had as its object or result, one or many of the crimes enunciated in Articles 87 and 91, the individuals who have been part of the gangs mentioned above, without exercising any command or employment in them, shall be punished with the penalty of minor imprisonment, provided they have been arrested at the point of the seditious meeting.

Art. 99.- Those who, knowing the purpose and tendencies of said gangs, have supplied or facilitated their lodging, hiding place or meeting place, without having been violated, shall be sentenced to imprisonment.

No penalty for the crime of sedition shall be pronounced against those who, having formed part of such gangs, without exercising any employment or function in them, shall have withdrawn at the first notice of the civil authority or of the civilian authorities.

The same applies to those who have been arrested without arms, outside the places of the seditious meeting and without putting up any resistance. They shall not be punished except for the particular crimes they have committed personally, but may, however, remain for a period of not less than one year nor more than five, subject to the vigilance of the high police.

Art. 101.- The word "weapons" includes all machines, instruments or cutting, sharp or blunt utensils.

Art. 102.- Razors, knives, scissors or simple scissors shall not be considered weapons, except when they have been used to kill, wound or strike.

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PROVISIONS COMMON TO THE TWO PARAGRAPHS OF THE PREVIOUS SECTION

Art. 103.- Any individual who, either by speeches, shouts or threats made in public places or meetings, or by means of writings, printed matter, drawings, engravings, paintings or emblems, sold or distributed, offered for sale or exhibited in public places or meetings, or by posters and notices posted in public view, has incited the author or authors of any action classified as a crime or offense to commit it, shall be considered an accomplice, and shall be punished as such.

Art. 104.- Anyone who, by one of the means enunciated in the preceding article, has incited to commit one or many crimes, without this incitement having been followed by any effect, shall be punished with correctional imprisonment, which shall not be less than three months, nor more than two years, and with a fine* which shall not be less than ten pesos, nor more than one thousand.

Art. 105.- Anyone who, by one of the same means, has incited to commit one or many crimes, without such incitement having been followed by any effect, shall be sentenced to correctional imprisonment and a fine** of ten to five hundred pesos; or to one of the two penalties only, according to the circumstances; except in cases in which the law pronounces a less serious penalty against the same perpetrator of the crime, which shall then be applied to the inciter.

Incitement, by any of the aforementioned means, to disobey the law shall be punished with the penalties determined in the preceding article.

* See explanatory note.

** See explanatory note.

**SECTION 3RA:
OF THE DISCLOSURE OF CRIMES THAT
COMPROMISE INTERNAL SECURITY
OR OUTSIDE THE STATE**

Those guilty parties who, prior to any execution or attempt of these plots or crimes, and before the first summary proceedings are initiated, inform the Government or the administrative authorities or the Judicial Police of the plots or crimes, and of their perpetrators or accomplices, shall be exempt from the penalties pronounced against the perpetrators of the plots or other crimes against the internal or external security of the State. Those guilty parties who, even after the investigations and proceedings have begun, facilitate the capture of the perpetrators and accomplices of the crime, shall also be exempt from liability.

Art. 108.- The culprits who have given such news or facilitate the capture of the other culprits, may be sentenced to be subject to surveillance by the high police for at least one year, and at most five years.

**CHAPTER II: CRIMES
AND OFFENSES
AGAINST THE CONSTITUTION**

**SECTION 1:
OF CRIMES AND OFFENSES RELATING TO THE
EXERCISE OF POLITICAL RIGHTS**

Article 109.- Tumultuous meetings which, using violence or threats, have the purpose of preventing one or more citizens from exercising their political rights, shall be punished with correctional imprisonment of six months to two years, to be applied to the following offenses: (a) the use of violence or

threats to prevent one or more citizens from exercising their political rights, which shall be punished with correctional imprisonment of six months to two years.

The penalty shall be imposed on each of the individuals who were part of them. They shall also be disqualified for at least one year, and at most five years, from being a voter or elected to any public office of popular appointment.

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Art. 110.- (Modified by Law 4381 of February 7, 1956 G.O. 7945 and implicitly modified by Article **8 of the Constitution of the Republic**). If the crime is the consequence of a concerted plan, and whose execution was to be carried out throughout the Republic, or in one or several of its provinces, districts or municipalities, the penalty shall be that of banishment.

Art. 111.- Citizens who, in charge of the spoiling of the scrutinies during the electoral acts, are caught falsifying the registration ballots or removing them from the ballot box, or adding ballots different from those deposited by the voters, or inscribing on those of voters who do not know how to write, names different from those they have indicated, shall be punished with civic degradation.

Art. 112.- Other persons who are guilty of the offenses set forth in the preceding article shall be sentenced to imprisonment from six months to two years, and to interdiction of the right to elect and be elected for at least one year, and five years at the most.

Art. 113.- Any citizen who, in elections, has bought or sold a ballot, regardless of its price, shall suffer the penalty of disqualification for public offices and positions, from one to five years, and a fine* of ten to one hundred pesos. The purchaser of the suffrage and his accomplice shall be sentenced to a fine** which they shall each pay for themselves, and the amount of which shall be double the value of the things received or offered. If this value cannot be

determined, the fine*** shall be

will be from ten to one hundred pesos.

SECTION 2: INFRINGEMENT OF LIBERTY

Article 114.- Officials, agents or delegates of the Government who have ordered or committed an arbitrary or unlawful act or who have

* See explanatory note.

** See explanatory note.

*** See explanatory note.

If they justify that they have acted by order of superiors to whom they owed hierarchical obedience for matters within their competence, they will be exempted from the penalty, which in this case will be applied to the superiors to whom they owed hierarchical obedience for matters within their competence. If they justify, however, that they have acted by order of superiors to whom they owed hierarchical obedience for matters within their competence, they shall be exempted from the penalty, which in this case shall be applied to the superiors who gave the order.

Article 115.- (Modified by the Constitution of 1966). If the order has emanated from a Secretary of State, or if this official has committed one of the acts mentioned in the preceding article, and if after having requested the revocation of the disposition, he refuses to do so, or neglects to have it amended, he shall be subject to the penalty of banishment, following an indictment decreed in accordance with the Constitution.

Art. 116.- (Modified by the Constitution of 1966). If the Secretaries of State, accused of having ordered or self-initiated an act contrary to the Constitution, should allege that the signature has been surprised, they shall be obliged to denounce, upon cessation of the act, the person they indicate as the author of the surprise, under penalty of being personally prosecuted.

Art. 117.- The damages and losses that may be claimed on account of the attacks referred to in Article 114 shall be claimed in the course of the criminal proceeding or through civil proceedings, and shall be regulated according to the persons, the circumstances and the harm caused, without in any case, and whoever the injured party may be, these

indemnities, for each individual, being less than five pesos for each day of illegal and arbitrary detention.

Art. 118.- (Amended by the 1966 Constitution and by **Laws 224 of June 26, 1984 and 46-99 of June 20, 1984**).

May 1999). If the act contrary to the Constitution has been executed by forging the signature of a Secretary of State or of a public official, the authors of the forgery, and those who have knowingly made use of the forged act, shall be punished with the penalty of prison mayor.

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Art. 119.- Public officials in charge of the administrative or judicial police, to whom requests or complaints tending to record an illegal and arbitrary detention, carried out in the places destined for the custody of prisoners, or at any other point, are addressed, who refuse to give said complaints or requests the corresponding course, or who neglect the case, shall be punished with the penalty of civic degradation, if they do not justify having reported the fact to the superior authority. They shall also be liable for the damages and prejudices caused by their negligence or refusal to do so, which shall be regulated as provided in Article 117.

Art. 120.- Warden, guardians and janitors of prisons, detention or deposit houses, who receive prisoners without warrant or sentence, or without provisional power of the Government or competent authority; those who refuse to present the prisoners to the police officer or to the bearer of their orders, without justifying the prohibition of the public prosecutor or the judge; Those who have refused to present their registers to the police officer, shall be considered as accused of arbitrary detention; and consequently shall be punished with correctional imprisonment from six months to two years, and a fine* from ten to fifty pesos.

Article 121.- (Modified by the Constitution of 1966). The following are guilty of prevarication, and shall be punished with civic degradation: police officers, prosecutors, judges or their deputies, who cause, give or sign an order or warrant, for the purpose of personally prosecuting, or putting in a state of

The President and Vice President of the Republic, Secretaries of State, Senators, Members of Congress, Magistrates and Attorney General of the Republic, the Prelate and dignitaries of the ecclesiastical chapter, diplomatic agents of the Republic, delegates and commissioners of the Government and Governors of the Provinces, without the authorizations prescribed by the Constitution and the laws of the State; or that, except in cases of flagrante delicto or outcry

* See explanatory note.

public, give or sign without the same authorizations, the warrant of imprisonment or arrest, against one or many of the officials specified in the present article.

Article 122.- (Modified by the Constitution of 1966). The penalty of civic degradation shall also be imposed on the Attorney General of the Republic, Prosecutors, Judges or their deputies, and any other public official who arrests or causes an individual to be arrested in places not intended for that purpose by the Government. The same penalty shall be incurred by the officials mentioned in this article, when they cause any citizen to appear before a criminal court as a defendant, against whom the order of qualification of the chamber has not previously been issued.

SECTION 3: COALITION OF OFFICERS

Art. 123.- Public officials or employees, the bodies or depositaries of a part of the public authority who agree or agree among themselves to execute measures and dispositions contrary to the laws, or who for the same purpose carry out correspondence or send deputations to each other, shall be punished with imprisonment from two to six months, and absolute disqualification for one to five years, for public offices and positions.

(Implicitly modified by article 8 of the Constitution of the Republic; modified by Laws 224 of **June 26, 1984** and 46-99 of **May 20, 1999**). If the purpose of the agreement of measures entered into by the officials and employees referred to in the preceding article is to contravene the execution of the laws or orders of the Government, the penalty of banishment shall be imposed on the guilty parties. If the agreement has been made between the civil authorities and the

In the case of the military bodies and their chiefs, those who are perpetrators or provocateurs shall be punished with minor imprisonment, and the other guilty parties shall be punished with the penalty of banishment.

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(Modified by Laws 5007 of June 28, 1911 G.O. 2209; 224 of **June 26, 1984 and 46-99 of May 20, 1999**). If the concert results in an attack against the internal security of the State, the penalty of twenty years of rigorous imprisonment shall be imposed on the guilty parties.

Article 126.- (Implicitly modified by Article 8 of the **Constitution of the Republic**). Public officials who have deliberately decided to resign for the purpose of impeding or suspending the administration of justice,

The penalty for the commission or performance of any service shall be the crime of prevarication, and shall be punished by imprisonment.

SECTION 4: USURPATION OF AUTHORITY BY ADMINISTRATIVE OR JUDICIAL OFFICIALS

Art. 127.- The following shall be considered guilty of prevarication and shall be punished with civic degradation: judges, prosecutors or their deputies, and police officers who have interfered with the exercise of the Legislative Power, giving regulations containing legislative provisions or suspending the execution of one or many laws or deliberating as to whether the laws shall be executed or promulgated.

Art. 128.- Judges, prosecutors, public prosecutors, and other public officials shall be punished with the same penalty.

or their deputies, and police officers who exceed their powers by interfering in matters that fall under the jurisdiction of the administrative authorities, whether they are regulating in

The law may also prohibit the execution of orders emanating from the Government.

Article 129.- In addition to the penalties indicated in the articles of this section, the guilty parties may be sentenced for the damages they may have caused.

Art. 130.- (Modified by the 1966 Constitution). The Governors of the provinces, the City Councils, Syndics and
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Other administrators shall be punished with civic degradation, when they interfere in the exercise of the Legislative Power, taking dispositions or dictating general ordinances, whose tendencies are to intimate orders or prohibitions to the courts.

Article 131 (Amended by Law 4427 of April 5, 1956, **G.O. 7971**). The same penalty shall be incurred by the administrative employees indicated in the preceding article who usurp judicial powers, taking knowledge of private rights and interests under the jurisdiction of the tribunals, and who, after the claim of the parties or of one of them, nevertheless decide the matter; or who in any way require, instruct or make recommendations to the judicial authorities to adhere their actions, decisions or rulings to the particular interest or criteria of the former.

CHAPTER III: CRIMES AND OFFENSES AGAINST PUBLIC PEACE

SECTION 1: FALSEHOODS

PARAGRAPH I: COUNTERFEIT CURRENCY

(Modified by Laws 224 of June 26, **1984** and **46-99 of May 20, 1999**). Whoever counterfeits or alters the gold and silver coins that have legal circulation in the Republic, or whoever issues, introduces or sells said counterfeit or altered coins, shall be sentenced to the maximum penalty of major incarceration.

Article 133 - (Modified by Laws 224 of June 26, 1984 and Law 46-99 of May 20, 1999). Whoever counterfeits or alters copper or nickel coins, which are in legal circulation in the Republic, or whoever introduces, issues or dispenses them, shall be punished with a penalty of three to ten years of major imprisonment.

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Article 134.- (Modified by Law 428 of November 22, 1972 G.O. 9288). The penalties of the preceding article shall be imposed on whoever in the Republic counterfeits or alters metallic coins, bank bills or foreign securities, or whoever introduces, issues or dispenses them. The sentence shall always order the confiscation of the coins, bank bills or securities.

Art. 135.- Any person who has colored the coins that are legal tender in the Republic, or foreign coins, with the intention or object of deceiving as to the material of the metal; or who has issued or introduced them into the territory of the Republic, shall be punished with imprisonment from six months to two years. The same penalty shall be imposed on those who have taken part in the issuance or introduction of such colored coins.

Art. 136.- The participation indicated in the preceding articles of this section shall not include those persons who, having received counterfeit coins as good, have returned them to circulation.

Article 137.- The exception of the preceding article shall not apply to persons who have returned to the circulation by

good, counterfeit, altered or colored coins after having verified or had verified their vices or defects, which persons shall be punished with a fine,* at least triple and at most six times the amount of the coins put into circulation, without this fine,** in any case, being less than sixteen pesos.

Art. 138.- Those guilty of the crimes mentioned in articles 132 and 133 shall be exempt from criminal liability, provided that before the perpetration of the crime, or before the investigations and proceedings begin, they inform the constituted authority or reveal the names of the perpetrators. The same exemption shall be granted after the proceedings have begun, if they facilitate the apprehension of the perpetrators.

* See explanatory note.

** See explanatory note.

The other culprits; however, they shall be subject to special surveillance by the high police for five years.

PARAGRAPH II: COUNTERFEITING OF SEALS, STAMPS, STAMPED PAPER, MARKS AND PUNCHES OF THE STATE, BANK BILLS, AND PUBLIC CREDIT DOCUMENTS.

Art. 139.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Whoever forges the seals of the State, or makes use of the forged seal, whoever forges credit documents issued by the public treasury with its seals, or bank bills authorized by law, or whoever makes use of such documents or forged bank bills, or whoever introduces or dispenses them in the territory of the Republic, shall be sentenced to major incarceration.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Whoever falsifies punches destined for the contrast of gold or silver materials, or whoever makes use of falsified papers, public credits, stamps, stamped paper or punches, shall be sentenced to three to ten years of rigorous imprisonment.

Article 141.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Whoever, by improper and reprobate means, obtains the real seals, marks or punches destined for one of the uses expressed in the preceding article, and uses and applies them in a manner detrimental to the interests of the State, shall be sentenced to minor imprisonment.

Article 142.- All those who have countermanded the markets destined to be placed in the name of the Government on the various species of goods or merchandise, or who have

(a) who have made use of such counterfeit marks; those who have counterfeited the seal, stamp or mark of any authority, or who have made use of counterfeit seals, stamps or marks; those who have counterfeited the seals of the post office or any other authority; those who have made use of forged seals, stamps or marks

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knowingly made use of forged postage stamps, shall be punished by imprisonment for at least one year and at most two years. In addition, the guilty parties may be sentenced to the deprivation of the rights mentioned in article 42 of the present code, for at least one year and at most five years, counted from the day on which they have served the principal sentence; and also to be placed, by the same sentence, under the surveillance of the high police, for the same number of years. The foregoing provisions shall apply to attempts of the same offenses.

Article 143.- The penalty of civic degradation shall be imposed on anyone who, by improper means, obtains the real seals or marks of the State intended for one of the uses mentioned in the preceding article, and who uses them in a manner detrimental to the interests and rights of the State, of any authority, or of a private establishment. In addition, the guilty parties may be sentenced to the deprivation of the rights mentioned in article 42 of the present Code, for at least one year and at most five years, counted from the day on which they have served the main sentence, and also to be placed by the same sentence under the surveillance of the high police for the same number of years. The preceding provisions shall apply to attempts of the same crimes.

Article 144.- The provisions of article 138 shall be applicable to the crimes mentioned in article 139.

PARAGRAPH III: FORGERY IN A PUBLIC OR AUTHENTIC DEED, COMMERCIAL OR BANK DEED

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The public employee or official who, in the exercise of his functions, commits falsehood, counterfeiting or pretending handwriting, signature or signature, altering the nature of the acts, deeds or signatures, assuming in an act the intervention or presence of persons who have not been present in the act, shall be sentenced to major imprisonment.

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The same is true in the case of any other public act after its confection or closing.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The following shall likewise be punished with the penalty of major incarceration: any public official or officer who, in the exercise of his ministry, has fraudulently and fraudulently distorted the substance of the acts or the circumstances thereof; by drawing up agreements different from those that the parties have dictated or formulated; by recording false facts in the acts as true,

or as recognized and approved by the parties, those that had not really been recognized and approved by the parties; altering the true dates, giving a true copy of a supposed document,

or manifesting in it something contrary to or different from what is contained in the true original.

Article 147.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Any other person who commits forgery in an authentic or public deed shall be punished with three to ten years of rigorous imprisonment,

or in those of commerce and banking, whether by imitating or altering the deeds or signatures, or by stipulating or

inserting conventions, provisions, obligations or discharges after they have been closed.

The same shall not apply to those acts, or to the addition or alteration of clauses, declarations or facts that should have been received or recorded in such acts.

(Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). In all the cases of the present paragraph, whoever has made use of the false acts, shall be punished with the penalty of minor imprisonment.

(Modified by Law 282 of March 28, **1968**). Excepted from the provisions prescribed in the preceding articles are the falsification of route orders, on which offense a special provision will be made later on.

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PARAGRAPH IV: MISREPRESENTATIONS IN PRIVATE DEEDS

Article 150.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). The penalty of minor imprisonment shall be imposed on any individual who, by one of the means set forth in Article 147, commits forgery in a private deed.

The same penalty shall be imposed on anyone who makes use of the false act, deed or document.

Article 152.- Exceptions to these provisions shall be made for forgeries committed in the certifications referred to below.

PARAGRAPH V: MISREPRESENTATION IN PASSPORTS, ROUTE ORDERS AND CERTIFICATIONS

(Modified by Laws 282 of March 28, **1968; 224 of June 26, 1984 and 46-99 of May 20, 1999**). A penalty of three to ten years of rigorous imprisonment shall be imposed on whoever makes a false passport, whoever falsifies a passport that is originally true, and whoever makes use of a false passport, whoever falsifies a passport that is not true, and whoever makes

use of a false passport, shall be sentenced to three to ten years of rigorous imprisonment.

false or forged passport.

Article 154.- Any person who has a passport registered under an assumed name, or who has assisted as a witness for the purpose of having the passport issued under an assumed name, shall be punished with correctional imprisonment from three months to one year. The same penalty shall apply to any individual who makes use of a passport issued under a name other than his own.

Innkeepers, innkeepers or innkeepers who knowingly enter in their registers, under false or assumed names, persons staying in their establishments, shall be punished with imprisonment from six days to one month.

Art. 155.- Any public official who knowingly issues a pass under an assumed name shall be punished with imprisonment from six months to two years.

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Art. 156.- Whoever falsifies a route order, or falsifies one that was originally true, and whoever makes use of such false or falsified order, shall be punished, according to the following the following distinctions: if the route order had no other purpose than to deceive the vigilance of the public authority, the penalty shall be six months to two years of imprisonment; if the public treasury has paid the bearer of the false order a per diem that was not due to him, or whose value exceeded that to which he could be entitled, the penalty shall be confinement, provided that the sum collected does not exceed one hundred pesos, the penalty being raised from one to two years of imprisonment, if the sum unduly collected amounts to more than one hundred pesos.

The penalties provided for in the preceding article shall be applied according to the distinctions established therein to any

person who, under an assumed name, has caused himself to be given for the

public authority, a routing order, or who has made use of a waybill delivered under a name other than his own.

(Modified by Laws 224 of June 26, **1984** and **46-99 of May 20, 1999**). If the authority that issued the order had knowledge, at the time of issuing it, of the supposition of name, the penalty shall be, in the first case of Article 156, that of confinement; in the second case of the same article, imprisonment of one to two years shall be imposed; and if in the last case, it shall be punished with minor imprisonment. In the first two cases, he may, in addition, be deprived of the rights mentioned in Article 42 of the present Code, for at least one year and at most five years, counting from the day on which he has served his sentence.

Art. 159.- Anyone who, for the purpose of exonerating himself or any other person from a public service, takes the name of a physician, surgeon or any other health official and issues a certificate of habitual illness or disease, shall be punished with correctional imprisonment from six months to two years.

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Article 160.- (Implicitly modified by Article 8 of the **Constitution of the Republic**). Physicians, surgeons or health officials who, in order to favor someone, give false certification of diseases or ailments that dispense them from public service, shall be punished with imprisonment from six months to two years. If they have acted under the impulse of gifts or promises, they shall be sentenced to banishment. In both cases, they may, in addition, be deprived of the rights mentioned in Article 42 of the present Code, for at least one year and at most five years, counting from the day on which they have served their sentence. Corruptors shall, in the second case, be punished with the same penalties.

A penalty of three months to one year's imprisonment shall be imposed on anyone who takes the name of a public official or officer and issues a certificate of life and morals, insolvency or other circumstances that attract the benevolence of the Government or private individuals to the person designated therein, or facilitates placement, credit or assistance. The same penalty shall be imposed on anyone who falsifies a certificate of the kind mentioned in this article, for the purpose of appropriating it to a person other than the person to whom it was originally issued, even if the certificate was originally true. The same penalty shall also apply to the person who has made use of the false or forged certificate. If this certification is made under the name of a private individual, the forgery and use shall be punished with a penalty of fifteen days to six months imprisonment.

Article 162 - False certifications other than those mentioned above, and which result in damages to third parties or to the public treasury, shall be punished as appropriate, in accordance with the provisions of paragraphs 3 and 4 of this section.

COMMON PROVISIONS

163. The application of penalties pronounced against those who make use of counterfeit coins, banknotes, stamps, hallmarks, marks and deeds issued, made or made up in the name of the country of origin, shall be governed by the **law of the country of origin**.

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The counterfeited or falsified goods shall cease, provided that the person who made use of the counterfeited thing has not had knowledge of the counterfeit.

Art. 164.- When it is possible to estimate the profit that the

perpetrators and accomplices of the forgery punished by the preceding articles have made, or have proposed to make, a fine shall be imposed on them* of four times the amount of

profit.

Article 165.- The minimum amount of this fine ** shall in no case be less than fifty pesos.

**SECTION 2DA:
OF PREVARICATION, AND OF CRIMES AND
OFFENSES COMMITTED BY PUBLIC OFFICIALS
IN THE EXERCISE OF THEIR FUNCTIONS.**

A crime committed by a public official in the exercise of his functions is prevarication.

Article 167.- Civic degradation shall be imposed for the crime of prevarication, in all cases in which the law does not pronounce more serious penalties.

Art. 168.- Simple offenses do not constitute a public official in a state of prevarication.

**PARAGRAPH I: THEFT COMMITTED BY PUBLIC
DEPOSITARIES**

(Repealed and replaced by Law 712 of June 27, 1927, G. O. 3872).

(Repealed and replaced by Law 712 of June 27, 1927, G. O. 3872).

171.- (Repealed and replaced by Law 712 of June 27, 1927, G. O. 3872).

* See explanatory note.

** See explanatory note.

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(Repealed and replaced by Law 712 of June 27, 1927, G. O. 3872), the text of which is as follows:

**LAW 712 OF JUNE 27, 1927, G.O. 3872
SUBSTITUTING THE FOLLOWING ARTICLES
169 TO 172 OF THE PENAL CODE**

Art. 1.- Officials or employees appointed by competent authority whose duty it is to collect or collect revenues or other monies and to account for the same, shall make deposits and remittances of such funds and shall render accounts of the same within the period and in the manner prescribed by the laws and regulations.

Officials or employees appointed by competent authority to pay and disburse public funds shall render an account thereof and return the unexpended balances of such funds within the time and in the form and manner prescribed by laws and regulations.

The officers or employees appointed by competent authority to keep, keep or sell postage stamps, Internal Revenue stamps or stamped paper, shall remit the proceeds of such sales and shall render accounts of the postage stamps, Internal Revenue stamps and stamped paper remaining in their possession and for which they are responsible, within the period and in the form and manner prescribed by the Executive Branch.

Officials or employees who have by law or by order of competent authority, under their custody and responsibility, land, buildings, tools, furniture, equipment, materials, supplies and other valuables, shall render report and accounts of them within the period and in the form and manner prescribed by the laws and regulations.

Art. 2.- The regulations in force or that may be issued by the Executive Branch in the future, for the purposes of this law, shall be considered as part of the same and shall govern as such.

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Art. 3.- The failure, negligence or refusal of any officer or employee to deposit or remit funds when required to do so, or to return balances when requested to do so; or to deliver to his substitutes in office when or otherwise ordered to deliver them by competent authority, all postage stamps, Internal Revenue stamps, stamped paper, land, buildings, implements, furniture, equipment, materials, supplies and other things of value for which he is liable, shall be considered as embezzlement.

The appropriation by any officer or employee of any money, property, supply or value to a use or purpose other than that for which it was delivered to him or placed in his custody; or the failure, neglect or refusal to render an accurate account of money received, postage stamps, Internal Revenue stamps, stamped paper, land, buildings, tools, furniture, equipment, materials, supplies or other things of value, shall be taken as PRIMA FACIE evidence of embezzlement, until proof to the contrary of such items and of which they are accounted for.

(Amended by Laws 224 of June 26, **1984** and **46-99 of May 20, 1999**). Any public official or employee, convicted of embezzlement, as defined in the present law, shall be punished with a fine* not less than the amount embezzled and not more than three times said amount and with the penalty of minor imprisonment.

In case of insolvency, the convicted person shall be sentenced to an additional day of imprisonment for each five pesos of fine **, but in no case may this be

additional penalty of more than ten years.

In the case of reimbursement of the money or any of the defalcated effects, whether movable or immovable, or reparation in any form of the damage caused, before the case has been reported to the courts, the penalty shall be not less than one year's imprisonment.

* See explanatory note.

** See explanatory note.

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year of correctional imprisonment and disqualification from holding any public office for four years.

Art. 5.- If the accused of the crime of embezzlement, as provided for in this law, requests his release on bail, the court hearing such request may not grant it except upon the posting of a bond equal to at least double the amount embezzled. This bond shall be subject to the privilege of payment of restitutions and pecuniary condemnations pronounced against the embezzler.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The judge, administrator, official or public officer who destroys, suppresses, subtracts or steals the acts and titles, which by reason of his functions have been sent, communicated or entrusted to him in deposit, shall be punished with the penalty of minor imprisonment. The same penalty shall be imposed on agents, delegates or officers and employees of government offices, administrations, courts of justice or notaries and public depositories who are guilty of the same offense.

PARAGRAPH II: CONCUSSIONS COMMITTED BY PUBLIC OFFICIALS

(Modified by Laws 4381 of February 7, 1956, G.O. 7945; 224 of June 26, 1984, and 46-99 of May 20, 1999). Public officials and officers, their delegates or employees and dependents, the receivers of duties, quotas, contributions, income, public or municipal revenues and their employees, delegates or dependents, who commit the crime of extortion, ordering the collection of amounts and values that are not actually owed to the public or municipal coffers, or demanding or receiving sums that are not actually owed to the

public or municipal coffers, or demanding or receiving sums that

exceed the legal rate of duties, fees, contributions, income or rents, or by charging salaries and allowances in excess of those established by law, shall be punished according to the following distinctions: public officials and officers, with the penalty of minor imprisonment; and their employees, dependents, and employees of the public sector, with the penalty of minor imprisonment; and their employees, dependents and dependents of the public sector, with the penalty of minor imprisonment.

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If the totality of the amounts unduly demanded or received and the collection of which had been ordered, is greater than sixty pesos, they shall be punished with correctional imprisonment from one to two years. If the totality of such sums does not exceed sixty pesos, the public officials designated above shall be punished with imprisonment from six months to one year; and their dependents or delegates, with imprisonment from three to six months. The attempt of this offense shall be punished as the same offense. In all cases in which a prison sentence is pronounced, the guilty parties may also be deprived of the rights mentioned in Article 42 of this Code, for at least one year and at most five years, counted from the day on which they have served the main sentence; the court may also, by the same sentence, subject the guilty parties to the surveillance of the high police, for an equal number of years. In addition, the guilty parties shall be fined* not exceeding one fourth of the restitutions, damages and prejudices and not less than one twelfth of the same restitutions. The provisions of the present article shall be applicable to clerks and ministerial officers, when the act is committed on revenues for which they are entrusted by law.

PARAGRAPH III: OFFENCES OF OFFICIALS WHO HAVE BEEN INVOLVED IN MATTERS INCOMPATIBLE WITH THEIR CAPACITY AS

OFFICIALS

Article 175.- (Amended by Law 575 of December 9, 1920
G.O. 3176). The employee or civil servant, or public official

The following are the cases in which a person or agent of the Government who openly, by simulation of acts, or by interposition of a person, receives an interest or reward, not provided for by law, in the acts, awards or undertakings, the administration or supervision of which is entrusted to the Secretariat of State or office in which any of the aforementioned persons holds any position when the acts, awards or undertakings are initiated or submitted to the action of the said Secretariat of State.

* See explanatory note.

The offender shall be punished with correctional imprisonment from six months to one year, and a fine* of an amount not greater than one-fourth nor less than one-twelfth of the restitutions and remissions granted. In addition, the guilty party shall be sentenced to perpetual disqualification from holding public office or public office.

Art. 176.- The foregoing provisions shall apply with respect to government officials or agents who have admitted any reward in business, the payment or settlement of which they were required to make by reason of their office, or by superior order.

PARAGRAPH IV: BRIBERY OR KICKBACKS OF PUBLIC OFFICIALS

Article 177.- (Modified by Law 3210 of February 26, 1952 **G.O. 7397**). The public official or employee of the administrative, municipal or judicial order who, by means of gift

or promise, lend his ministry to perform an act that, although fair, is not subject to salary, shall be punished with civic degradation and sentenced to a fine** of twice the amount of the gifts, rewards or remunerative promises, which, in no case, may such fine*** be less than fifty pesos, nor be less than six months the "imprisonment" established in Article 33 of this same code, whose pronouncement shall always be mandatory.

The same penalties shall be incurred by any public official, employee or officer who, in exchange for gifts or promises, omits to perform any lawful or proper act in the performance of his duties.

The same penalties shall apply to any arbitrator or expert appointed, either by the court or by the parties, who has

accepted offers or promises, or received gifts or presents,

* See explanatory note.

** See explanatory note.

*** See explanatory note.

to render a decision or opinion in favor of one of the parties.

Article 178.- (Modified by Law 3210 of February 26, 1952 **G.O. 7397**). If the purpose of the bribery or bribery is a criminal action, which has penalties higher than those established in the preceding article, the most serious penalties shall always be imposed on the guilty parties.

Article 179.- (Modified by Law 3210 of February 26, 1952 **G.O. 7397**). Any person who, by means of threats, violence, promises, gifts, offers or rewards, bribes or coerces or attempts to bribe or coerce one of the public officials, agents or delegates mentioned in Article 177, for the purpose of obtaining a favorable decision, acts, appraisals, certifications or any other document contrary to the truth, shall be punished with the same penalties that may be applicable to the bribed official or employee.

The same penalties shall be imposed on those who, using the same means, obtain a placement, employment, award or any other benefits, or who obtain from the official any act proper to his ministry, or the abstention from an act that is part of the exercise of his duties.

However, if the attempts at bribery or violence have been unsuccessful, those guilty of such attempts shall suffer only the penalty of three months to one year and a fine* of fifty to two hundred pesos.

Paragraph: In the cases of this article, if the briber is an industrialist or merchant, the sentence may disqualify him from the exercise of industry or commerce for a period of two to five years, from the date of the final sentence.

Article 180.- (Modified by Law 3210 of February 26, 1952 **G.O. 7397**). The bribe-giver shall never be granted restitution of the things or values delivered by him, nor of the value

* See explanatory note.

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they represent. They shall be confiscated for the benefit of the Tax authorities.

(Modified by Laws 224 of June 26, 1984 and Law 46-99 of May 20, 1999). The judge who, in criminal matters, allows himself to be bribed, favoring or prejudicing the accused, shall be punished with the penalty of minor imprisonment, without prejudice to the fine* referred to in Article 177.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). If as a consequence of the bribery a penalty higher than a minor imprisonment is imposed on the defendant, that penalty, regardless of its severity, shall be imposed on the bribed judge.

Art. 183.- Any judge or arbitrator who, out of friendship or hatred, rules for or against the business submitted to his decision, shall be guilty of prevarication, and as such shall be subject to the penalty of civic degradation.

PARAGRAPH V: ABUSE OF AUTHORITY

FIRST CLASS: ABUSE OF AUTHORITY AGAINST INDIVIDUALS

****Article 184.-** Officials of the administrative or judicial order, police officers, commanders or agents of the public force who, abusing their authority, enter the homes of citizens, except in the cases and with the formalities prescribed by law, shall be punished with correctional imprisonment of six days to one year, and a fine of sixteen to one hundred pesos, without prejudice to the provisions of the second paragraph of Article 114.

punished with imprisonment from six days to six months, and a fine *** of ten to fifty pesos.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

***Art. 185.-** Any judge or court that, maliciously or under the pretext of silence, obscurity or insufficiency of the law, refuses to judge and provide the motions presented to him and persists in his refusal, after the request made by the parties or the intimation of his superiors, shall be punished with a fine of twenty-five to one hundred pesos, and disqualification from one to five years for public offices and positions. The same penalty shall be incurred by any other civil or municipal authority.
or administrative body that refuses to provide the business submitted for its consideration.

Art. 186.- Public officials or officers, administrators, agents or delegates of the Government or the police, those responsible for the execution of sentences or other judicial orders, commanders-in-chief or subordinates of the public force who, in the exercise of their functions or by reason of such exercise, and without legitimate reason, use or permit the use of violence against persons, shall be punished according to the nature and seriousness of such violence, and the penalty shall be increased in accordance with the rules established in Article 198.

Art. 187.- Government officials or agents, those in charge of post offices or their employees and auxiliaries, who intercept or open letters entrusted to the post office, or who facilitate the means for them to be intercepted or opened, shall be punished with imprisonment from six months to two years, and a fine** of ten to one hundred pesos. They shall also be punished with absolute disqualification from one to five years for public offices and positions.



AGAINST THE PUBLIC THING

Art. 188.- (Amended by Laws 224 of June 26, 2001, and amended by Laws 224 of June 26, 2001, and by Laws 224 of June 26, 2001)

1984 and 46-99 of May 20, 1999). The penalty of imprisonment

* See explanatory note.

** See explanatory note.

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A lesser penalty shall be imposed on: public officials, agents or delegates of the Government, regardless of their rank and the class to which they belong, who require or order, or cause to be required or ordered the action or use of public force, to prevent the execution of a law, the collection of a legal contribution, the execution of a court order or injunction or any other disposition emanating from a legitimate authority.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). If the injunction or order has produced its effects, the guilty parties shall be sentenced to the maximum term of imprisonment.

The penalties set forth in articles 188 and 189 shall always be applied to officials or delegates who have acted by order of their superiors, unless such orders have been given by the latter, within the scope of their powers, and which they should, by virtue of their hierarchical position, have obeyed and complied with. In this case, the penalties pronounced by the preceding articles shall be imposed only on the superiors who originally gave those orders.

Art. 191.- If as a consequence of the orders, dispositions or requirements mentioned in the preceding articles, crimes are committed that carry greater penalties than those established in articles 188 and 189, those greater penalties shall be imposed on the guilty officials, agents or delegates who have given said orders or issued said requirements.

**PARAGRAPH VI: OFFENSES RELATING TO THE
RECORDING OF ACTS IN THE CIVIL STATUS
RECORDS**

Article 192.- The persons in charge of civil status who issue in

The penalty shall be correctional imprisonment from one to three months, and a fine* of five to forty pesos.

* See explanatory note.

Art. 193.- The officers of the Civil Status who witness marriages, for the validity of which the law prescribes the consent of the parents, elders or other persons, without having first ascertained the existence of such consent, shall be punished with a fine* of twenty-five to one hundred pesos, and with correctional imprisonment from six months to one year.

Art. 194.- The Officer of Civil Status who authorizes the marriage of a widowed woman before the ten months that the Civil Code establishes for widows to contract a second marriage, shall suffer a fine** of twenty to one hundred pesos.

The penalties pronounced by the preceding articles against those in charge of civil status shall always be imposed on them, even if the parties have not provided for the nullity of the acts or even if said nullity is covered. In case of collusion, the penalties prescribed by law shall be imposed on the guilty parties, without prejudice also to the penal provisions contained in Title V of Book 1 of the Civil Code.

PARAGRAPH VII: UNLAWFULLY ANTICIPATED OR PROLONGED EXERCISE OF PUBLIC AUTHORITY

Art. 196.- Any public official who enters into office without having previously taken the constitutional oath may be prosecuted and punished with a fine*** of ten to fifty pesos.

Article 197.- Any public official who, after having official knowledge of his revocation, suspension, dismissal or legal disqualification, continues to exercise his functions, or who, being elective or temporary, has exercised them after having been replaced, shall be punished with imprisonment from six months to two years, and a fine **** of ten to one hundred pesos. He shall be in-

qualified, after he has served his sentence, to exercise any of the following activities

- * See explanatory note.
- ** See explanatory note.
- *** See explanatory note.
- **** See explanatory note.

other public function, for at least one year and at most five years, without prejudice to the penalties established by Article 93 of this Code, against military officers or commanders.

SPECIAL PROVISION

Art. 198.- Public employees and officials entrusted with the repression of crimes, who are guilty of such crimes, or of complicity in them, shall be punished according to the following scale:

In the case of a correctional offense, they shall always suffer the maximum penalty established for that offense;

(Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). In the case of a crime, they shall be sentenced to minor reclusion, if the crime carries the penalty of civic degradation against any other guilty party; to detention, if the crime carries the penalty of minor reclusion against any other guilty party; and to major reclusion, if the crime carries the penalty of detention against any other guilty party. In other cases not mentioned here, the common penalty will always be imposed without aggravation. The provisions of this article do not extend to those cases in which the law, by special provision, determines the penalties incurred by public employees and officials for the crimes and offenses they commit.

SECTION 3: DISTURBANCE OF THE PUBLIC ORDER

**PRODUCED BY THE MINISTERS OF WORSHIP IN
THE EXERCISE OF THEIR MINISTRY**

**PARAGRAPH I: CONTRAVENTIONS THAT MAY
COMPROMISE THE CIVIL STATUS OF INDIVIDUALS**

**(Repealed by Law 5128 of July 15, 1912) Article 199.
G.O. 2315).**

**(Repealed by Law 5128 of July 15, 1912) Art. 200.
G.O. 2315).**

**PARAGRAPH II: CRITICISMS, CENSURES OR
PROVOCATIONS DIRECTED AGAINST PUBLIC
AUTHORITY IN PUBLICLY DELIVERED PASTORAL
DISCOURSES**

Article 201.- Priests and ministers of worship who, in the exercise of their ministry or in public assemblies, make speeches criticizing or censuring the measures of the Government, the laws, decrees or orders of the constituted powers, or any other act of the public authority, shall be punished with correctional imprisonment for a term of three months to two years.

Art. 202.- (Implicitly modified by article 8 of the **Constitution of the Republic**). If in the speech a direct incitement is made to disobey the law or other acts of the public authority, or if its tendencies are to revolt the citizens, or to arm them against each other, the guilty priest or minister shall be punished with correctional imprisonment from six months to two years, provided that the excitements or provocations have been without result; but if, on the contrary, they have given rise to disobedience, without reaching sedition or rebellion, the penalty of banishment shall be imposed on him.

Art. 203.- When the provocation or excitation results in a

sedition or rebellion, the nature of which is such that one or many of the guilty parties are punishable by more severe penalties

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than those of banishment, that penalty, whatever it may be, shall be imposed on the priest or minister guilty of the provocation or sedition.

**PARAGRAPH III: CENSURE OR PROVOCATIONS
ADDRESSED TO THE PUBLIC AUTHORITY IN PASTORAL WRITINGS**

Article 204. (Implicitly modified by Article 8 of the **Constitution of the Republic**). The penalty of banishment shall be imposed on any minister of a cult who, in any writing containing pastoral instructions, engages in any way in vituperating or censuring the Government, or an act of public authority.

(Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). If the writing contains direct provocations contrary to the respect due to the law, or to the other acts of the public authority, or if its tendencies were to revolt the citizens, or to arm them against each other, the minister who publishes it shall be sentenced to minor imprisonment.

(Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). Whenever the excitation or provocation produces a sedition or rebellion that must be punished with penalties greater than minor imprisonment, those penalties, whatever they may be, shall be imposed on the priest or minister guilty of the provocation.

**PARAGRAPH IV: CORRESPONDENCE BETWEEN
MINISTERS OF RELIGION AND FOREIGN
GOVERNMENTS ON RELIGIOUS MATTERS**

Article 207.- (Modified by the Constitution of 1966). The ministers of a cult who, in religious matters or subjects

correspond with a foreign government without having given notice and obtained prior authorization from the Secretary of State in charge of the supervision of cults, shall be punished by a fine.*

* See explanatory note.

from twenty-five pesos to one hundred pesos, and imprisonment from one month to two years.

Article 208.- (Implicitly modified by Article 8 of the **Constitution of the Republic**). If the correspondence referred to in the preceding article has been followed by acts contrary to the laws, decrees or formal provisions of the powers of the State, the guilty parties shall be banished, unless the penalty established by law for the acts committed by the guilty parties is greater than that established in this article, in which case the more severe penalty shall be imposed.

**SECTION 4:
RESISTANCE, DISOBEDIENCE,
CONTEMPT AND OTHER OFFENSES
COMMITTED AGAINST THE PUBLIC
AUTHORITY.**

PARAGRAPH I: REBELLION

Art. 209.- Acts of rebellion are classified, according to the circumstances accompanying them, as crimes or offenses of rebellion. There is rebellion in the attack, resistance, violence or de facto means, exercised against public employees and officials, their agents, delegates, or those in charge, regardless of their rank and the class to which they belong, when they act in the exercise of their functions, and regardless of the public function they exercise.

Article 210.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). The attack or resistance carried out by more than twenty armed persons shall give rise to the imposition on the guilty parties of the penalty of minor imprisonment, which shall be reduced to correctional

imprisonment, if it was carried out without weapons.

Article 211.- Rebellion committed by a number of three to twenty persons shall be punished with imprisonment from six months to two years, reducing the penalty from three months to one year of imprisonment if the guilty parties were not armed.

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Article 212.- Rebellion committed by one or two armed persons shall be punished with imprisonment from six months to two years, and with the same penalty of six days to six months, if committed without arms.

Art. 213.- In case of agavillamiento or tumultuous assembly, the penalty indicated in article 100 of this Code shall be imposed on the rebels who do not exercise functions or jobs in the gang, provided that they have withdrawn at the first intimation of the public authority, or that they withdraw afterwards, and that they have not been arrested in the place of the rebellion, but outside it, without new resistance and without weapons.

Art. 214.- Any gathering of individuals, whose purpose is the commission of a crime or offense, shall be considered an armed gathering if two or more of them are ostensibly carrying weapons.

Art. 215.- Persons found in possession of concealed weapons, and who have been part of a mob or gathering, which is not considered to be armed, shall be individually punished, as if they had been part of an armed mob or gathering.

Art. 216.- Those who on the occasion of a rebellion, or while it lasts, become guilty of common crimes and offenses, shall be punished with the penalties indicated in the Code for each of those crimes or offenses, provided that they are more serious than those indicated for rebellion.

Article 217.- The following shall be considered guilty of

rebellion and shall be punished as follows

The same applies to anyone who, by speeches, pamphlets, libels, writings or any other means of publicity, has provoked the rebellion. If the rebellion does not take place, the provocateur shall be punished with imprisonment from six days to one year.

Art. 218.- Whenever the law imposes only the penalty of correctional imprisonment for the crime of rebellion, the guilty parties shall, in such cases, be sentenced to a term of imprisonment.

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In such cases, they may be sentenced to a fine* of ten to one hundred pesos.

Art. 219.- Meetings formed with or without arms, by workers or day laborers in factories or workshops, mines or agricultural establishments; those formed by individuals admitted to hospices, or by prisoners, processed, accused or condemned persons, shall be considered and qualified in the same category as rebel meetings, when their object is to violate or threaten the administrative authority, police officers or agents, or the public force.

Art. 220.- Those prosecuted, accused or convicted of common crimes, who are accused of rebellion, shall suffer the penalty imposed on them for this crime, after the sentence that motivated their imprisonment has been served; or if they are acquitted of the accusation, they shall suffer it after the sentence of acquittal is irrevocable.

Art. 221.- The leaders, provocateurs and instigators of a rebellion, may be sentenced accessorially to subjection to the surveillance of the high police, from one to five years, which shall be counted from the day on which they serve their sentence.

**PARAGRAPH II: OUTRAGES AND VIOLENCE
AGAINST PUBLIC AUTHORITY.**

Art. 222.- When one or many magistrates of the administrative or judicial order, have received in the exercise of their functions, or because of this exercise, some insult by word, or in writing, or non-public drawings, tending in these different cases to hurt the honor or delicacy of said magistrates, the one who has directed such insults shall be punished with correctional imprisonment of six days to six months. If the insult with words is made in the hearing of a court, the penalty shall be correctional imprisonment from six months to one year.

* See explanatory note.

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Article 223.- The insult made by gestures or threats to a magistrate, in the performance of his duties, or on the occasion of such performance, shall be punished with imprisonment of six days to three months, and the penalty shall be increased from one month to one year, if the insult is made in the court hearing.

Art. 224.- A fine* of ten to one hundred pesos shall be imposed on any person who, by means of words, gestures or threats, offends the officials or agents of the public force, and any citizen in charge of a public service, when they are in the exercise of their functions, or when it is due to said functions.

The penalty shall be from six days to one month of imprisonment, if the aggrieved party is a commander of the public force.

**(Repealed by Law 5009 of June 28, 1911) Art. 226.
G.O. 2209).**

**(Repealed by Law 5009 of June 28, 1911) Art. 227.
G.O. 2209).**

Article 228.- The blows that, even without weapons, are inflicted on a magistrate in the exercise of his office, or by reason of that exercise, shall be punishable with imprisonment from six months to two years, even if no injury has resulted from the blows inflicted. If the offense is committed in the hearing of a court, the guilty party shall also be subject, as an accessory penalty, to suspension from one to three years from the exercise of civil and political rights.

Art. 229.- In any of the cases mentioned in the preceding article, the guilty party may also be sentenced to live from six months to two years away from the residence of the offended magistrate, at a distance of at least two leagues. This provision shall begin to be enforced as of the day on which the offender is sentenced.

The convicted person has served his sentence. If, before the expiration of the term indicated, he violates this order, he shall be punished with the penalty of confinement.

* See explanatory note.

Article 230.- The violence or acts of violence specified in Article 228, directed against a curial, an agent of the public force or a citizen in charge of a public service, shall be punished with imprisonment from one to six months, if they were carried out while he was performing his duties, or if they were carried out by reason of such performance.

Article 231.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). When the violence specified in Articles 228 and 230, results in the effusion of blood, wounds or illness, the guilty party shall be sentenced to minor imprisonment, which shall be aggravated to major imprisonment, if the victim dies within forty days of the fact.

Article 232.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). The blows and violence that do not cause effusion of blood, wounds or illness, shall be punished with minor imprisonment, if the circumstances of premeditation or stalking occur in the act.

Article 233.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). The blows or wounds inflicted on one of the officials or agents designated in Articles 228 and 230, in the exercise or on the occasion of the exercise of their functions, shall be punished with the penalty of major incarceration, if the intention of the aggressor has been to cause the death of the aggrieved party.

PARAGRAPH III: DENIAL OF LEGALLY DUE SERVICES

Art. 234.- Those in charge and depositaries of the public force who, legally required by a civil authority, refuse to render the assistance of the force under their command, shall be subject to the following penalties

shall be punishable by imprisonment for a term of one to three months.

Article 235.- They shall also be sentenced to such indemnities as may be ordered, in accordance with article 10 of this Code.

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Art. 236.- Witnesses who, in order to exempt themselves from the duties that weigh on them, allege a cause whose falsity is known, shall be sentenced to correctional imprisonment from six days to two months; without prejudice to the fine* to which they are entitled for their non-appearance.

PARAGRAPH IV: ESCAPE OF PRISONERS AND CONCEALMENT OF CRIMINALS

Art. 237.- Those in charge of the custody of prisoners, bailiffs, superior or subordinate chiefs of the police or of the public force, to whom the escort for the conduction, transfer or custody of prisoners is entrusted; those entrusted with the surveillance of posts, jails or prisons, shall be sentenced, in case of escape of prisoners entrusted to their care, according to the distinctions established in the following articles.

Art. 238.- If the escaped prisoner is accused of police crimes or crimes that only merit infamous penalties,
or if he is a prisoner of war, those in charge of his conduction or custody, who are guilty only of negligence, shall be punished with correctional imprisonment from six days to two months. If there has been connivance between the escapee and his custody, the penalty shall be imprisonment from six months to two years. To those who, being in charge of the custody or the conduction of the prisoner, have procured or facilitated his escape, shall be punished with six days to three months imprisonment.

Art. 239.- (Amended by Laws 224 of June 26, 2001, and amended

by Laws 224 of June 26, 2001, and by Laws 224 of June 26, 2001)

1984 and 46-99 of May 20, 1999). If the escaped prisoners, or any of them, were under the weight of a sentence of temporary imprisonment, or accused of a crime that deserves that penalty, those in charge of their custody or conduction shall be punished with imprisonment of two to six months, if the escape was the result of their negligence; and in case of connivance, they shall be sentenced to a lesser term of imprisonment. Persons who, not

* See explanatory note.

The penalty for any person who, being in charge of the custody of prisoners, has procured or facilitated the escape, shall be imprisoned from three months to one year.

(Modified by Laws 64 of November 19, **1924 G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999**). If the escaped persons or any of them were sentenced to thirty years of major reclusion or major reclusion, or if they were accused of crimes that merited such penalties, their guardians or drivers shall be punished, in case of negligence, to imprisonment from one to two years, and in case of connivance, they shall be punished to detention. Persons not in charge of the custody of the convicted person, who facilitate or procure the escape, shall be punished with imprisonment of one year at least, and two years at most.

Art. 241.- If the evasion or attempted evasion has been carried out with prison breakage, the penalties against those who may have committed the evasion, provided instruments to carry it out, shall be the following: 1st. If the evader is in one of the cases of article 238, he shall be sentenced to three months to one year of imprisonment; 2nd - If the evader is in one of the cases of article 239, he shall be sentenced to one to two years of correctional imprisonment, and 3rd - If he is in one of the cases of article 239, he shall be sentenced to one to two years of correctional imprisonment, and 3rd - If he is in one of the cases of article 239, he shall be sentenced to one to two years of correctional imprisonment. If he is in the case of Article 240, the penalty shall be imprisonment, and a fine*, in the three cases, from ten to four hundred pesos. In addition, the guilty parties may be sentenced, in the latter case, to the deprivation of the rights mentioned in article 42 of the present code, for at least one year, and at most five years, counted from the day on which they have served the main sentence.

Art. 242.- The penalties pronounced by the preceding articles against jailers, guardians and custodians of prisoners, shall be imposed on all those who, in order to favor or provide

the escape of detainees, bribe said jailers, guards and custodians.

* See explanatory note.

Article 243.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The escape with violence or fracture, which is executed with the aid of weapons, transmitted for that purpose to the prisoners, shall give rise to the application of major imprisonment against the guards, drivers or wardens who have been participants in the delivery of such weapons; and to minor imprisonment against the other persons who are accomplices of the escape.

Art. 244.- Those guilty of connivance in the escape of detainees shall be jointly and severally liable for any compensation that those injured by the crime would have had the right to obtain against the escapees.

Art. 245.- Evasions or attempted evasions, executed by prisoners, without foreign help, with violence or breaking of the prisons, shall be punished by the circumstance of breaking and violence, with imprisonment from six months to one year, without prejudice to the imposition of more serious penalties, for the crimes they may have committed with their violence. These penalties will be suffered by the fugitives immediately after the completion of their sentence, or after they are discharged from the instance to which the imputation of the crime or offense that motivated their imprisonment gave rise.

Paragraph: (Added by Law 5937 of June 6, 1962). Escapes or attempted escapes, carried out by prisoners, without foreign assistance, by circumventing the vigilance of their custodians, drivers or guards, shall be punished with penalties of one month to six months of correctional imprisonment. These penalties shall be suffered by the fugitives immediately after the completion of their sentence or after they are discharged from the facts that gave rise to the accusation of

the crime or offense that

his imprisonment.

Art. 246.- Any person who, for having aided an evasion or attempted evasion, has been sentenced to more than six months' imprisonment, may also be placed under a penalty of imprisonment.

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the supervision of the high police, for a period not exceeding five years.

Art. 247.- When the imprisonment referred to in the preceding articles is imposed on the guards or drivers, guilty by negligence of the escape of prisoners entrusted to their care, the penalty shall cease as of right, at the moment in which the escaped prisoners are captured, provided that this is done within four months of the escape, and that they have not been apprehended for crimes committed after their escape.

Art. 248.- Those who conceal or cause the concealment of those convicted of crimes for which the penalty is afflictive, shall suffer correctional imprisonment from three months to two years, if at the time of the concealment they were aware of the crime committed. Excepted from the present provision are ascendants or descendants, spouses, even in a state of personal or property separation, brothers or sisters of the concealed offenders, and their relatives in the same degrees.

PARAGRAPH V: BREAKING OF SEALS AND THEFT OF DOCUMENTS IN PUBLIC DEPOSITORIES

Article 249.- The guardians of objects sealed by order of the Government or judicial order shall be punished with correctional imprisonment from six days to six months, when said seals are broken or broken due to their carelessness.

Art. 250.- (Amended by Laws 64 of November 19, 2001, and

1924 G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999). If the breaking of the seals has been operated on papers or effects belonging to a defendant, whose crime carries the penalty of thirty years of major confinement or that of major confinement, or who is sentenced to one of those penalties, the omissive guardian shall be punished with imprisonment from six months to one year.

Article 251.- Any person who intentionally breaks or attempts to break the seals affixed to papers or effects of

the quality enumerated in the preceding article, or whoever has participated in the breaking of the seals or in the attempt to break them, shall be punished with imprisonment from one to two years. If it is the same keeper who has broken the seals or has attempted to break them, he shall be sentenced to two years' imprisonment. In both cases, the guilty party shall be sentenced to a fine* of ten to one hundred pesos. He may also be deprived of the rights mentioned in article 42 of the present code, for at least one year, and five years at the most, from the day on which he was sentenced; he may also be subject to the surveillance of the high police, for the same number of years.

Art. 252.- In other cases in which the seals of the public authority are broken, those guilty of this crime shall suffer the penalty of correctional imprisonment for a period of not less than three months nor more than one year. However, if the guilty party is the keeper of the seals, the penalty shall be six months to two years imprisonment.

Art. 253.- Robberies and thefts committed by breaking seals shall be considered as robberies committed by breaking.

Article 254.- The thefts, destruction or robbery committed by omission or carelessness of the employees in charge of the custody of an archive or public office, shall give rise to the imposition of three months to one year of correctional imprisonment, and a fine of twenty-five pesos** against the omissive or careless employee. This provision is applicable to court clerks, employees of public offices, notaries, archivists and other employees, whatever their denomination and the nature of the document, order, record, act, file and papers that are subtracted,

destroy or steal.

Art. 255.- Anyone guilty of the thefts, robberies or destruction mentioned in the preceding article shall be punished with the following penalties

* See explanatory note.

** See explanatory note.

one to two years' imprisonment. If the crime has been committed by the depositary himself, he shall be sentenced to imprisonment.

Article 256.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). The breaking of seals, the theft, robbery or destruction of documents and papers committed, violating those in charge of their custody, shall give rise to the application against the guilty parties of the penalty of minor imprisonment, without prejudice to other greater penalties, which may be decreed, if warranted by the nature of the violence and the other crimes that may be the consequence thereof.

PARAGRAPH VI: DAMAGE DONE TO PUBLIC MONUMENTS

Art. 257.- Whoever destroys, demolishes, mutilates or deteriorates monuments, statues and other objects destined to the public utility or ornament, and erected or constructed by the public authority, or with its consent and authorization, shall be punished with correctional imprisonment from one month to one year, and a fine* of ten to one hundred pesos.

PARAGRAPH VII: USURPATION OF TITLES OR FUNCTIONS

Article 258.- (Modified by Law 3930 of September 14, **1954**). Those who, without qualifications, have been involved in public, civil or military functions, or have performed or exercised acts pertaining to one of those functions, shall be punished with correctional imprisonment from one month to one year, without prejudice to the penalties pronounced by the Code, for the crime of falsehood, if the acts performed or exercised by them have the characteristics of that crime. The same penalties shall be imposed for the exercise of

abusive of ecclesiastical jurisdiction or functions.

* See explanatory note.

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Article 259.- (Modified by Law 3930 of September 14, **1954**). Those who publicly wear a uniform or costume that does not correspond to them, shall be punished with correctional imprisonment from six months to two years. With the same penalty shall be punished the use of the ecclesiastical or religious habit by ecclesiastical or religious persons who have been forbidden by law to wear it.

order of the competent ecclesiastical authorities, official-

The same is true for the abusive use of the same habit by other persons.

PARAGRAPH VIII: OFFENSES AGAINST THE FREE EXERCISE OF RELIGIONS

Article 260.- Those who by threats or de facto means force or prevent one or more persons from exercising the Catholic religion, one of the cults tolerated in the Republic, or from attending the exercise of those cults; Those who in the same manner impede the celebration of certain festivities, or the observance of days of precept, and in general those who hinder the opening or closing of workshops, stores, warehouses, so that certain works are done or not done, shall be punished for that crime alone, with a fine* of ten to one hundred pesos, and correctional imprisonment from six days to two months.

Art. 261.- Those who by means of violence, disorder or scandal, impede or disturb the exercise of Catholic worship, and of those authorized by law, inside or outside the temple or place destined for such exercise, shall be punished with imprisonment from six days to two months, and a fine** of ten to one hundred pesos.

Art. 262.- Whoever, with words or gestures, offends a minister of Catholic worship when he is exercising the functions of his ministry, or who, in order to mock the rites authorized in the Republic, desecrates objects destined for worship, shall be



subject to the following penalty

punishable by a fine*** of ten to one hundred pesos, and imprisonment from one month to one year.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

Art. 263.- The penalty of civic degradation shall be imposed on those who mistreat a minister of a cult when he is exercising the functions of his ministry.

Art. 264.- The provisions of the present paragraph shall only be applicable to disorders, outrages or acts of violence, the circumstances and nature of which are not more seriously punished by the present Code.

**SECTION 5:
ASSOCIATION OF
MALEFACTORS,
VAGRANCY AND BEGGING**

PARAGRAPH I: ASSOCIATION OF WRONGDOERS

Article 265.- (Modified by Law 705 of June 14, 1934 **G.O. 4691**). Any association formed, regardless of its duration or the number of its members, any concert established for the purpose of preparing or committing crimes against persons or property, constitutes a crime against public peace.

(Modified by Laws 705 of June 14, 1934 **G.O. 4691**; 224 of **June 26, 1984** and 46-99 of **May 20, 1999**). Any person who has become a member of a society formed or who has participated in a concert established for the purpose specified in the preceding article shall be punished with the penalty of major incarceration.

PARAGRAPH I.- THE PERSON WHO HAS BEEN GUILTY OF THE CRIME MENTIONED IN THE PRESENT ARTICLE, SHALL BE EXEMPTED FROM PUNISHMENT, IF, BEFORE ANY PROSECUTION, HE HAS DISCLOSED TO THE CONSTITUTED

ESTABLISHED OR MADE KNOWN THE EXISTENCE OF THE ASSOCIATION.

(Modified by Laws 705 of June 14, 1934 G.O. 4691; 224 of June 26, 1984 and 46-99 of May 20, 1999). The penalty of minimum imprisonment shall be imposed on any person who has knowingly favored and

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voluntarily to the perpetrators of the crimes provided for in Article 265, by providing them with money, instruments for the crime, means of correspondence, lodging or meeting place.

The provisions contained in the first paragraph of article 266 shall also be applicable to the perpetrator of the acts provided for in the present article.

PARAGRAPH II: VAGRANCY

(Repealed by Law 705 of June 14, 1934) Art. 268. G.O. 4691).

Article 269.- The law considers vagrancy as a crime, and punishes it with correctional penalties.

Art. 270.- (Repealed by Law No. 73 of November 8, 1979 G.O. 9515).

(Repealed by Law No. 73 of November 8, 1979 G.O. 9515).

Art. 272.- (Repealed by Law No. 73 of November 8, 1979 G.O. 9515).

(Repealed by Law No. 73 of November 8, 1979 G.O. 9515).

PARAGRAPH III: BEGGING.

Article 274.- Begging exercised in places where there are public establishments, organized for the purpose of preventing it, shall be punished with imprisonment from three to six months, and the guilty party shall be taken, after the expiration of his sentence, to the establishment or hospice of the place.

(Modified by Law 4381 of February 7, 1956, G.O. 7945). In those places where there are not yet establishments intended to receive beggars, only those who, not being invalids, beg for alms on a regular basis, shall be punished. The penalty in such a case shall be imprisonment.

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The duration of the sentence shall be increased from six months to two years, if they have been arrested outside the municipality of their residence.

Article 276.- A penalty of one to six months of correctional imprisonment shall be imposed on: 1st. beggars, whether or not they are invalids, who use threats to enter houses, rooms or enclosed places, or who, without the license of the owner of the house or of the persons who inhabit it, enter it; 2nd. To those who feign ailments or sores that they do not have; 3rd. to those who form meetings for begging, unless these are constituted by parents and children, or the blind and their drivers.

COMMON PROVISIONS: TO VAGRANTS AND BEGGARS

Article 277.- A correctional prison sentence of six days to six months shall be imposed on beggars or vagrants who are apprehended in disguise, or who carry weapons, even when they have not made use of them, or uttered threats against any person. A penalty of three months to one year shall be

imposed on those who are armed with files, lock picks or other

instruments that can be used to commit robberies or other crimes, or that can provide them with the means to enter houses.

Article 278.- The penalties referred to in Article 276 shall be imposed on vagrants or beggars, in whose possession are found objects whose value exceeds fifty pesos, provided that they cannot justify their provenance.

Article 279.- Vagrants or beggars who exercise or attempt to exercise acts of violence against a person shall be punished, regardless of the nature of the act, with a prison sentence of six months to two years, without prejudice to other more serious sentences, if applicable, taking into account the type of violence exercised and the circumstances involved.

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Article 280.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). If the beggar or vagrant who exercises or attempts to exercise acts of violence is found in the cases of article 277, he shall be sentenced to minor imprisonment.

Art. 281.- The penalties established in this Code for the bearers of false certificates, route orders or passports, shall be imposed in their maximum degree, when they are to be applied to vagrants or beggars, subject to the distinctions established in those provisions.

Article 282.- Beggars who have been sentenced to the penalties referred to in the preceding articles shall be subject, after serving their sentence, to the surveillance of the high police for a period equal to that of their sentence.

SECTION 6TA:

CRIMES COMMITTED BY MEANS OF WRITINGS, IMAGES OR ENGRAVINGS DISTRIBUTED WITHOUT THE NAME OF THE AUTHOR, PRINTER OR ENGRAVER

Any publication or distribution of works, writings, notices, bulletins, announcements, newspapers, periodicals or other printed matter in which the true name, profession and place of residence of the author and printer are not indicated, shall give rise, for that fact alone, to imprisonment of six days to six months for any person who has knowingly contributed to the said publication or distribution.

The penalty provided for in the foregoing Article shall be reduced to simple police penalties: (1) with respect to the criers, sellers, distributors or fixers who denounce the person from whom they have received the printed work or writing; (2) with respect to any person among them who has denounced the printer; (3) with respect to the printer who has denounced the author.

Art. 285.- If the writing provokes or excites one or more persons to commit crimes or offenses, the persons in charge of their

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sale, distribution, advertisement or posting on street corners or public places, shall be punished with the same penalties imposed on the author, unless they state who the author is; in which case they shall only incur the penalty of six days to three months of correctional imprisonment. Responsibility as an accomplice shall only be demanded of those who have concealed the names of the persons from whom they received the printed document. The same penalties shall be imposed on the printer if he is known.

Article 286.- In all the cases mentioned above, the following shall

apply

order the confiscation of the seized specimens.

Art. 287.- The exhibition or distribution of songs, pamphlets,

The penalty shall be a fine* of sixteen to one hundred pesos, and correctional imprisonment from one month to one year; the plates and the printed or engraved copies of the songs and other objects of the offense shall be confiscated.

Article 288.- The imprisonment and fine** imposed by the preceding article shall be reduced to simple police penalties with respect to the persons who sell, advertise or distribute the copies, if they discover the person who gave them the object of the offense. The same reduction shall be made with respect to those who inform the printer or engraver, who denounces the author or the person who commissioned the printing or engraving.

Article 289.- In all the cases provided for in this section, the perpetrator shall be imposed, when known, the maximum penalty indicated for the crime of which he has been convicted.

Art. 290.- The foregoing provisions in no way alter, modify or repeal those in the body of this Code or other laws that punish provocations and complicity resulting from acts other than those provided for in this section.

* See explanatory note.

** See explanatory note.

SECTION 7MA: OF UNLAWFUL CORPORATIONS OR MEETINGS

Art. 291.- In societies formed for the purpose of dealing with religious, political, literary or any other kind of affairs, no weapons may be carried, under penalty of a fine* of from five to ten pesos for the offenders.

Art. 292.- Those who in said societies excite or provoke to commit a crime or offense, making use of speeches, exhortations, invocations or ovations made in any language, or of readings, publication or distribution of writings, shall be punished with correctional imprisonment from one month to one year, and a fine** of ten to one hundred pesos.

Paragraph: (Added by Law 1384 of March 13, 1947 G.O. 6605). For the purposes of this article, the fact of constituting associations, or being part of associations whose programs include seeking foreign aid, official or private, for political actions contrary to the social order or to the Dominican Government, or of those who are proven to have sought or are seeking, or are proposing to seek such aid, or who cannot prove that the money they handle comes from Dominicans residing in the country, shall be considered an incitement or provocation to commit a crime.

Art. 293.- The penalties indicated in the preceding article shall be applied, without prejudice to the other penalties established in the code against those who are personally guilty of the provocation, and in no case may they be punished with lesser penalties than those imposed on the chiefs, directors, presidents and administrators of said companies.

Article 294.- Persons sentenced to the penalties referred to in the preceding articles shall be subject, after having served their

The sentence, to the surveillance of the high police, for a period equal to that of his sentence.

* See explanatory note.

** See explanatory note.

**TITLE II: CRIMES
AND OFFENSES
AGAINST INDIVIDUALS**

**CHAPTER I:
CRIMES AND OFFENSES AGAINST PERSONS**

**SECTION 1: HOMICIDE,
MURDER, AND OTHERS
CAPITAL CRIMES: THREATS OF ATTACKS AGAINST
PERSONS**

**PARAGRAPH I: HOMICIDE, MURDER, PATRICIDE,
INFANTICIDE AND POISONING**

Art. 295.- Whoever voluntarily kills another is guilty of homicide.

Article 296.- Homicide committed with premeditation or intent shall be classified as murder.

Art. 297.- Premeditation consists of the design formed before the action, to attack the person of a determined individual, or against the person of the person who is found or encountered, even when such design depends on some circumstance or condition.

Stalking consists of waiting, more or less time, in one or several places, for any individual, with the purpose of killing him, or of exercising acts of violence against him.

Art. 299.- Whoever kills his legitimate, natural or adoptive father or mother, or his legitimate ascendants, is guilty of parricide.

Art. 300.- Whoever kills a newborn child is guilty of infanticide.

An attempt against the life of a person, committed by means of substances capable of producing death by means of

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poisoning, whatever the manner of administration or use of these substances, and whatever the consequences.

(Modified by Laws 64 of November 19, **1924 G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999**). Those guilty of murder, parricide, infanticide and poisoning shall be punished with thirty years of rigorous imprisonment.

Article 303.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**). Any act carried out as a method of criminal investigation, means of intimidation, corporal punishment, preventive measure, penal sanction or any other purpose that causes physical or mental damage or suffering to persons shall constitute torture or an act of barbarism. The application of substances or methods tending to annul the personality or will of persons or to diminish their physical or mental capacity, even when they do not cause physical pain or psychological suffering, also constitutes torture or a barbaric act.

(Added by Law 24-97 of January 28, 1997 G.O. 9945 and modified by Law 46-99 of May 20, 1999). The fact of subjecting a person to torture or acts of barbarism is punishable by imprisonment of ten to fifteen years.

Art. 303-2.- **(Added by Law 24-97 of January 28, 1997 G.O. 9945 and modified by Law 46-99 of May 20, 1999)**. Any sexual aggression, preceded or

accompanied by acts of torture or barbarism, is punishable by imprisonment for a term of ten to twenty years and a fine* of one hundred thousand to two hundred thousand pesos.

(Added by Law 24-97 of January 28, 1997 G.O. 9945 and modified by Law 46-99 of May 20, 1999). The preceding acts of barbarism or torture are punished with a penalty of fifteen to twenty years of major imprisonment,

* See explanatory note.

accompany or follow a crime that does not constitute a violation.

Article 303-4.- (Added by Law 24-97 of January 28, 1997 G.O. 9945 and modified by Law 46-99 of May 20, 1999). Torture or acts of barbarism, when one or more of the circumstances listed below occur, are punishable by thirty years of major imprisonment:

- 1.- When committed against children and adolescents, without prejudice to the provisions of Articles 126 to 129 of the Code for the Protection of Children and Adolescents;
- 2.- When they are committed against a person (man or woman) whose particular vulnerability, due to age, illness, invalidity, physical deficiency or handicap, is due to
 - or to a state of pregnancy, it is apparent
 - known to its author;
- 3.- When they precede, accompany or follow a violation;
- 4.- When committed against a legitimate, natural or adoptive ascendant;
- 5.- When they are committed against a magistrate, a lawyer, a public official or minister or against any person (man or woman) in charge of public authority or entrusted with a public service mission, in the exercise, or on the occasion of the exercise of their functions or their mission, when the quality of the

victim was apparent or known to the perpetrator;

- 6.- Against a witness, a victim or a civil party, either to prevent him/her from denouncing the facts, filing a complaint or to prevent him/her from testifying in court, or

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by reason of his denunciation, his complaint, his deposition;

- 7.- By the spouse, ex-spouse, cohabitant, ex-living partner or consensual partner of the victim, without prejudice to other civil and criminal penalties provided for in the Civil Code or in this Code;
- 8.- By a person (man or woman) holding public authority or entrusted with a public service mission in the exercise or on the occasion of the exercise of his or her functions or mission;
- 9.- By several persons acting in the capacity of author
- of accomplice;
- 10.-With premeditation or premeditation;
- 11.-With the use of a weapon or threat to use it;

(Modified by Laws 896 of April 25, **1935 G.O. 4789; 224 of June 26, 1984 and 46-99 of May 20, 1999**). Homicide shall be punished with thirty years of major incarceration, when its commission precedes, accompanies or follows another crime. The same penalty shall be imposed when its purpose was to prepare, facilitate or execute a crime, or to favor the escape of the perpetrators or accomplices of that crime, or to ensure their impunity.

Paragraph I.- The attempt against the life or person of the

President of the Republic, as well as the attempt and plot to commit it, shall be punished with thirty years of imprisonment.

The same applies to aiding and abetting. Complicity shall be punished in the same manner. If there has been a proposal made and not accepted to form a plot to carry out the attack, the person who made the proposal shall be punished with twenty to thirty years of rigorous imprisonment. Article 463 of the Code does not apply to the crimes provided for in this paragraph, and the provisions of Articles 107 and 108 are applicable to them.

Paragraph II.- In any case, the person guilty of homicide shall be punished with the penalty of prison mayor.

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PARAGRAPH II: THREATS.

(Modified by Laws 64 of November 19, 1924, **G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999**). The threat that, by anonymous or signed writing, is made to murder, poison or attempt in any way against an individual, shall be punished with detention, when the penalty for the consummated crime is thirty years of major reclusion, or major reclusion, provided that said threat is accompanied by the circumstance of having been made demanding the deposit or delivery of some sum in a certain place, or the fulfillment of any condition whatsoever. The guilty party may be deprived of the rights mentioned in Article 42 of this Code for at least one year and at most five years.

Art. 306.- When the threat is not accompanied by the circumstance of having been made, demanding the deposit or delivery of some sum in a certain place, or to comply with any condition, the penalty shall be correctional imprisonment of one to two years. In this case, as in the preceding one, the guilty parties may be subject to the supervision of the high police.

Art. 307.- Whenever the threat is made verbally, and

In the same way, if money is demanded or a condition is imposed, the penalty shall be six months to one year of imprisonment and a fine* of twenty-five to one hundred pesos. In this case, as in the preceding articles, the guilty party shall be subject to the supervision of the high police.

Article 308.- The threat, in writing or verbally, of committing a violation or acts not provided for in article 305, if the threat has been made with an order or under a condition, shall be punished with imprisonment of six days to three months and a fine** of five to twenty pesos, or one of the two only.

* See explanatory note.

** See explanatory note.

**SECTION 2DA:
OF VOLUNTARY WOUNDS AND BLOWS NOT
QUALIFIED AS HOMICIDES. OF VIOLENCE AND
OTHER VOLUNTARY CRIMES AND MISDEMEANORS.**

Article 309.- (Modified by Laws 24-97 of January 28, 1997 G.O. 9945 and 46-99 of May 20, 1999). The person who voluntarily inflicts wounds, gives blows, commits acts of violence or acts of fact, if they result in the aggrieved party (a) an illness or inability to work for more than twenty days, shall be punished (a) with imprisonment of six months or two years, and a fine* of five hundred to five thousand pesos. He may also be sentenced to deprivation of the rights mentioned in Article 42, for at least one year and at most five years. When the above-mentioned violence has caused mutilation, amputation or deprivation of the use of a limb, loss of sight, loss of an eye, or other disabilities, the guilty party shall be sentenced to lesser imprisonment. If the wounds or blows inflicted voluntarily have caused the death of the aggrieved, the penalty shall be a lesser term of imprisonment, even if the intention of the aggressor was to (a) did not cause the death of the former.

Art. 309-1.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). Violence against women is any action or conduct, public or private, because of their gender, which causes physical, sexual or psychological harm or suffering to women, through the use of physical force or psychological or verbal violence, intimidation or persecution.

Art. 309-2.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). Domestic or intra-family violence constitutes any pattern of conduct through the use of physical force, or psychological or verbal violence, intimidation or persecution,



against

one or more members of the family or against any person in a cohabitating relationship, against the spouse, former spouse, cohabitant or former cohabitant or partner

* See explanatory note.

consensual, or against the person with whom he/she has procreated a son or daughter to cause physical or psychological harm to his/her person or damage to his/her property, carried out by the father, mother, tutor, guardian, spouse, ex-spouse, ex-spouse, cohabitant, ex-living or consensual partner or person under whose authority, protection or care the family is under.

Those guilty of the offenses provided for in the two preceding articles shall be punished with at least one year of imprisonment and at most five years, and a fine* of five hundred to five thousand pesos and the restitution of the destroyed, damaged and hidden property, if applicable.

Art. 309-3.- (Added by Law 24-97 of January 28, 1997 G.O. 9945 and modified by Law 46-99 of May 20, 1999). Those who are guilty of violence, when one or more of the following facts concur, shall be punished with a penalty of five to ten years of major reclusion:

- a) Penetration into the house or place where the spouse, ex-spouse, cohabitant or ex-cohabitant, or consensual partner is lodged and commits the acts constituting violence there, when they are separated.
 - a protection order has been issued, ordering the eviction from the residence of the spouse, ex-spouse, cohabitant, ex-cohabitant or consensual partner;
- b) When serious bodily harm is caused to the person;
- c) When the aggressor carries a weapon in circumstances that do not imply the intention to

kill.

○ mutilate;

- d) When the violence is exercised in the presence of children and adolescents, regardless of the provisions of Articles 126, 126 and 126 of the Convention.

* See explanatory note.

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- to 129, 187 to 191 of the Code for the Protection of Children and Adolescents (Law No. 14-94);
- e) When accompanied by threats of death or destruction of property;
 - f) When freedom is restricted for any reason whatsoever;
 - g) When the rape is committed after a protection order has been issued in favor of the victim;
 - h) If the person, man or woman, is induced, incited or forced to become intoxicated with alcoholic or intoxicating beverages, or to take drugs with controlled substances or with any means or substance that alters the will of the persons.

Art. 309-4.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). In all the cases provided for in the preceding articles, the court shall issue a protection order in favor of the victim of violence, not being able, in any case, to take advantage of extenuating circumstances in favor of the aggressor. The court shall also sentence, in these cases, the aggressor to the restitution of the destroyed, damaged or hidden property.

Article 309-5.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). In all the cases provided for in the present title, the court shall impose as an accessory to the offenders, the compulsory attendance to therapeutic or family orientation programs for a period of no less than six (6) months in a public or private institution. Compliance with this penalty and its results shall be controlled by the court.

(Added by Law 24-97 of January 28, 1997) Art. 309-6.

1997 G.O. 9945). The protective order set forth in section 309-4 is a pretrial and trial disposition entered by the trial court, containing any or all of the following sanctions:

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- a) Order to refrain from molesting, intimidating or threatening the spouse, former spouse, cohabitant, or former cohabitant or consensual partner or from interfering with the provisional or definitive custody or guardianship agreed upon by law or court order;
- b) Order to evict the aggressor from the residence of the spouse, ex-spouse, cohabitant, ex-partner or consensual partner;
- c) Interdiction of access to the residence of the spouse, ex-spouse, cohabitant, ex-cohabitant or consensual partner;
- d) Interdiction of approach to places frequented by the spouse, ex-spouse, cohabitant, ex-cohabitant or consensual partner;
- e) Prohibition for the victim to move or hide the common children;
- f) Order of internment of the victim in places of shelter or refuge in charge of public or private organizations;
- g) Order to provide services, health care and counseling for the whole family by public or private agencies;
- h) Order to submit reports of a financial nature on the management of the common assets of the company, business, trade, commerce or

common lucrative activity;

i) Interdiction to alienate, dispose of, conceal or transfer the victim's own property or common property;

j) Order to replace destroyed or hidden property;

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k) Order of conservatory measures with respect to the possession of the common goods and the household goods of the house where the family house is located;

l) Order to compensate the victim of violence, without prejudice to any civil actions that may be applicable, for legal expenses, medical treatment, psychiatric counseling and professional guidance, lodging and other similar expenses.

Art. 309-7.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). The court hearing and judging the offense shall ratify the protection order, decreasing or increasing, as the case may be, its content, as an accessory penalty. Compliance with the protection order shall be controlled by the court.

Article 310.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). If the act includes the circumstances of premeditation or stalking, the penalty shall be ten to twenty years of major incarceration, when the death of the offended party is followed; and if this does not result, the guilty party shall be sentenced to three to ten years of major incarceration.

Article 311.- (Modified by Law 36-2000 of June 18, 2000). When a person aggrieved in the manner set forth in Article 309, becomes ill or is unable to work for at least ten days or more, or is unable to work for at least ten days or more.

more than twenty, as a result of blows, wounds, rapes, injuries or acts of violence, the guilty party shall be punished with correctional imprisonment from fifteen days to one year and a fine* from one hundred to one thousand pesos.

Paragraph I.- If the illness or impossibility lasts less than ten days or if the blows, wounds, violence or acts of violence have not caused the offended party any illness or incapacity to work, the penalty shall be six months.

* See explanatory note.

to thirty days of correctional imprisonment and/or a fine* of twenty to five hundred pesos.

Paragraph II.- The Courts of the Peace shall have jurisdiction to hear and decide on the offenses indicated in the present article. Within the scope of their competence, the Justices of the Peace may, ex officio or at the request of a party, dictate all protective measures that may be useful or necessary to prevent the commission and/or repetition of the infractions provided for in this article.

Cases of domestic violence are exempted from this jurisdiction, which will continue to be under the jurisdiction of the courts of first instance.

Article 312.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). If the blows or wounds referred to in the three preceding articles have been inflicted by the aggressor on his legitimate parents, natural or adoptive, or on his legitimate ascendants, the following penalties shall be imposed: if the crime committed carries the penalty of imprisonment and fine, the guilty party shall suffer that of minor reclusion; if it carries that of reclusion, the offender shall be sentenced to detention, and if the penalty pronounced by law is that of detention, the guilty party shall suffer that of major reclusion.

Art. 313.- When the crimes and offenses dealt with in this and the preceding section are committed in seditious meetings with rebellion and pillage, the leaders, authors, instigators and provocateurs of said meetings, rebellions or pillage shall be charged with them, and considering them guilty of the crimes or offenses mentioned, they shall be sentenced to the same penalties as those imposed on those who personally committed them.

Art. 314.- Any person who manufactures or sells rapiers, knives, or

any kind of weapons prohibited by law or by public administration regulations, shall be punished with imprisonment from six days to six months. The bearer of such weapons,

* See explanatory note.

shall be punished with a fine* of sixteen to one hundred pesos. In both cases, the weapons will be seized or confiscated, without prejudice to more serious penalties, if they are accomplices to the crimes committed with said weapons.

Art. 315.- The penalties pronounced in the preceding articles shall be imposed without prejudice to the courts decreeing the subjection of the guilty party to the surveillance of the high police for at least one year and at most five years.

(Modified by Laws 64 of November 19, 1924, G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999). Those guilty of the crime of castration shall suffer the penalty of prision mayor. If within forty days of the crime the death of the offended party occurs, the guilty party shall suffer the penalty of thirty years of major incarceration.

Art. 317.- (Modified by Laws 1690 of April 8, 1948 G.O. 6783; 224 of June 26, 1984 and 46-99 of May 20, 1999). **Whoever**, by means of food, medicines, medicines, probes, treatments or in any other way, causes or directly cooperates to cause the abortion of a pregnant woman, even if she consents to it, shall be punished with the penalty of minor imprisonment. The same penalty shall be imposed on a woman who causes an abortion or who consents to the use of substances indicated or administered to her for that purpose or to submit to abortifacients, provided that the abortion has been performed. A term of imprisonment of six months to two years shall be imposed on persons who have brought a pregnant woman into contact or communication with another person for the purpose of causing an abortion, provided that the abortion has been performed, even if they have not directly cooperated in the abortion. Physicians, surgeons,



midwives, nurses, pharmacists and other medical professionals, who,

abusing their profession, cause the abortion or cooperate in it, shall incur the penalty of five to twenty years of rigorous imprisonment, if the abortion is performed.

* See explanatory note.

Whoever causes illness or impossibility of personal work to another, by voluntarily administering to him, or in any other manner, substances harmful to health, even if by their nature they are not of those that will cause death, shall be punished with imprisonment from one month to two years and a fine* of sixteen to one hundred pesos. If the illness or inability to work personally has lasted more than twenty days, the penalty shall be lesser imprisonment. If the offenses referred to in the two preceding paragraphs have been committed in the person of one of the ascendants of the guilty party, the penalty in the first case shall be minor imprisonment, and in the second case, major imprisonment.

In all the cases of this article, those convicted of the crimes may be sentenced, in addition to the principal penalty, to the accessory penalty of subjection to the surveillance of the high police for five years, without prejudice to the compensation that may result in favor of the aggrieved parties.

Art. 318.- Those who sell or dispense counterfeit beverages containing mix- tions harmful to health, shall be sentenced to correctional imprisonment from six days to one year, and a fine of five to twenty-five pesos.** . The counterfeit beverages found and belonging to the seller shall be seized and confiscated.

SECTION 3RA:

**UNINTENTIONAL HOMICIDES, WOUNDS AND BLOWS;
CRIMES AND OFFENSES EXCUSABLE, AND CASES IN
WHICH THEY CANNOT BE EXCUSABLE; HOMICIDE,
WOUNDS AND BLOWS THAT ARE NOT CONSIDERED
CRIMES OR OFFENSES.**

**PARAGRAPH I:
INJURIES**

**HOMICIDE,
Y**



UNINTENTIONAL BLOWS

Art. 319.- Whoever by clumsiness, imprudence, inadvertence, negligence or non-observance of the regulations, commits

* See explanatory note.

** See explanatory note.

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involuntary homicide, or involuntary cause thereof, shall be punished with correctional imprisonment from three months to two years, and a fine* from twenty-five to one hundred pesos.

Art. 320.- If the imprudence or lack of caution has caused nothing but blows or wounds, the imprisonment shall be from six days to two months, and the fine shall be from ten to fifty pesos, or one of these two penalties only.

(Added by Law 517 of July 25, 1941 G.O. 5620). When in the case provided for in Article 320 of the Penal Code, the involuntary wounds or blows only cause illness or incapacity for work lasting less than ten days, or do not cause any illness or incapacity, the penalties pronounced in said article shall be reduced by half and shall be applied by the Justices of the Peace.

PARAGRAPH II: EXCUSABLE CRIMES AND OFFENSES, AND CASES IN WHICH THEY CANNOT BE EXCUSED

Art. 321.- Homicide, wounds and blows are excusable if they have been immediately preceded by provocation, threats or serious violence on the part of the offended party.

Art. 322.- The crimes referred to in the preceding article are also excusable when they are committed while repelling during the day by climbing or breaking walls, fences or fracturing doors and other entrances of inhabited houses, or in their dwellings or outbuildings. If the act is committed at night, the case shall be regulated by Article 329.

Article 323.- Parricide is never excusable.

(Repealed by Law 24-97 of January 28, 1997 G.O. 9945).

Art. 325.- The crime of castration shall be considered excusable homicide or injury when it has been immediately caused by a violent insult to honesty.

* See explanatory note.

Article 326.- (Modified by Laws 64 of November 19, 1924, G.O. 3596; 224 of June 26, 1984 and 46-99 of May 20, 1999). When the circumstance of excuse is proven, the penalties shall be reduced as follows: if it is a crime punishable by thirty years of major confinement or major confinement, the penalty shall be correctional imprisonment from six months to two years. In the case of any other crime, the penalty shall be imprisonment from three months to one year. In such cases, the guilty parties shall be subject, by the same sentence of conviction, to the surveillance of the high police for a period equal to that of the sentence. If the action is qualified as a crime, the penalty shall be reduced to correctional imprisonment from six days to three months.

PARAGRAPH III: HOMICIDE, WOUNDS AND BLOWS THAT DO NOT QUALIFY AS FELONIES OR MISDEMEANORS

(Repealed by Law 24-97 of January 28, 1997 G.O. 9945).

Art. 328.- There is no crime or offense when the homicide, wounds or blows are inflicted by the current necessity of legitimate self-defense of oneself or of another.

Art. 329.- The following cases shall be considered as current necessity of legitimate self-defense: 1st. when homicide is committed or wounds are inflicted, or blows are struck while rejecting at night the climbing or breaking of houses, walls or fences, or the breaking of doors or entrances of inhabited places, their dwellings or dependencies; 2nd. when the act is executed in defense of the aggression of the perpetrators of robbery or plundering committed with violence.

SECTION 4TA: ATTACKS ON PHYSICAL INTEGRITY

**OR PSYCHIC AGGRESSION OF
PERSONS PARAGRAPH I.- SEXUAL
AGGRESSIONS**

Art. 330.- (Modified by Law 24-97 of January 28, 1997, as amended by Law 24-97 of January 28, 1997).

1997 G.O. 9945). Sexual assault is defined as any action

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sexual assault committed with violence, coercion, threat, surprise, deception.

Art. 331.- (Modified by Laws 24-97 of January 28, **1997 G.O. 9945 and 46-99 of May 20, 1999**). Any act of sexual penetration, of any nature whatsoever, committed against a person by means of violence, constraint, threat or surprise, constitutes rape.

Rape shall be punished with ten to fifteen years of major confinement and a fine* of one hundred thousand to two hundred thousand pesos.

However, the violation shall be punished with imprisonment of ten to twenty years and a fine** of one hundred thousand to two hundred thousand pesos when it has been committed to the detriment of a particularly vulnerable person due to pregnancy, disability or physical or mental disability.

It shall also be punishable by imprisonment for a term of ten to twenty years and a fine*** of one hundred thousand to two hundred thousand pesos when it is committed against a child or adolescent, either under threat of a weapon, or by two or more perpetrators or accomplices, or by a legitimate ascendant, or by a natural or adoptive parent of the victim, or by a person who has authority over the victim, or by a person who has abused the authority conferred by his or her functions, The victim's legitimate, natural or adoptive ascendant, or by a person having authority over the victim, or by a person who has abused the authority conferred by his or her functions, regardless of the provisions of Articles 121, 126 to 129, 187 to 191 of the Code for the Protection of Children and Adolescents.

Article 332.- (Modified by Law 24-97 of January 28, **1997 G.O. 9945**). The same penalty shall be imposed on the person

who engages in a non-consensual sexual activity in a couple relationship, in any of the following cases: a) By means of the use of force, violence, intimidation or

(b) If his or her capacity has been cancelled without his or her consent.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

c) When, due to illness or mental incapacity, temporary or permanent, the victim is unable to understand the nature of the act at the time of its commission; d) When the victim forces or induces by physical or psychological violence his or her partner to participate or become involved in an unwanted sexual relationship with a third party.

Art. 332-1.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). Any act of a sexual nature performed by an adult by means of deceit, violence, threat, surprise or constraint on the person of a child or adolescent to whom he/she is bound by ties of natural, legitimate or adoptive kinship up to the fourth degree or by ties of affinity up to the third degree constitutes incest.

Article 332-2.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). The infraction defined in the preceding article shall be punished with the maximum term of imprisonment, without the possibility of extenuating circumstances being admitted in favor of the offenders.

Article 332-3.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). The attempt of the infraction defined in article 332-1 is punished as the consummated act.

Article 332-4.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). Those convicted of the infraction defined in article 332-1 shall be excluded from the benefit of Provisional Freedom on Bail.

Art. 333.- (Modified by Laws 24-97 of January 28, 1997 G.O. 9945 and 46-99 of May 20, 1999). Any sexual aggression that does not constitute rape is punishable with five years imprisonment and a fine* of fifty thousand pesos.

However, sexual assault as defined in the preceding paragraph is punishable by a term of imprisonment of more than ten years and a fine** of one hundred dollars.

* See explanatory note.

** See explanatory note.

one thousand pesos, when committed or attempted against a particularly vulnerable person due to: a) An illness, disability, physical deficiency or pregnancy; b) With the threat of the use of a weapon; c) By a legitimate, natural or adoptive ascendant of the victim; d) By a person who has authority over the victim; e) By two or more perpetrators or accomplices; f) By a person who has abused the authority conferred by his or her functions; g) When it has caused wounds or injuries.

PARAGRAPH II.- OTHER SEXUAL ASSAULTS

Art. 333-1.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). The exhibition of any sexual act, as well as the exhibition of genital organs made in view of any person in a public place is punished with imprisonment from six months to one year and a fine* of five thousand pesos.

Art. 333-2.- (Added by Law 24-97 of January 28, 1997 G.O. 9945). Sexual harassment is any order, threat, constraint or offer intended to obtain favors of a sexual nature, made by a person (man or woman) who abuses the authority conferred by his or her functions.

Sexual harassment is punishable by one year of imprisonment and a fine** of five thousand to ten thousand pesos.

Sexual harassment in the workplace gives rise to justified resignation in accordance with the provisions of Articles 96 et seq. of the Labor Code, without prejudice to other actions that may be attempted by the victim.

Art. 334.- (Modified by Law 24-97 of January 28, 1997, as amended by Law 24-97 of January 28, 1997).
1997 G.O. 9945). He or she shall be considered a pimp:

1st. Who in any way aids, assists or abets persons, men or women with a view to prostitution, or in any manner whatsoever.

* See explanatory note.

** See explanatory note.

or recruitment of persons for the purpose of sexual exploitation;

2nd. The person who receives benefits from prostitution from the exercise of this practice;

3rd. Whoever, in connection with prostitution, cannot justify the resources corresponding to his or her lifestyle;

Oto. He or she who consents to the prostitution of his or her partner and profits from it;

5to. who hires, trains or maintains, even with his consent, a person, male or female, even of legal age, with a view to prostitution, or to debauchery and debauchery of morals;

6th Who acts as an intermediary, in any capacity whatsoever, between persons (male or female) engaged in prostitution or in the laxity of customs or individuals who exploit or remunerate prostitution and the laxity of customs of another;

7mo. Who by threats, pressure or maneuvers, or by any means, disturbs the action of prevention, assistance or re-education undertaken by qualified agencies in favor of persons (men or women) who engage in prostitution or are at risk of prostitution.

Pimping is punishable with imprisonment from six months to three years and a fine* of fifty thousand to five hundred thousand pesos.

Attempt to commit the offenses provided for in this article shall be punished with the same penalty as the completed act.

Art. 334-1.- (Added by Law 24-97 of January 28, 1997 G.O. 9945 and modified by Law 46-99 of May 20, 1999). The penalty shall be major reclusion from two to ten years of imprisonment.

* See explanatory note.

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years and a fine* of one hundred thousand to one million pesos in the following cases:

1st. When the infraction has been committed with respect to a child or adolescent of either sex, without prejudice to the provisions of Articles 126 to 129, 187 to 191 of the Code for the Protection of Children and Adolescents;

2nd. When the infraction has been accompanied by threat, violence, abuse of authority or fraudulent intent;

3rd. When the perpetrator of the offense was carrying an apparent or concealed weapon;

When the perpetrator of the offense is the husband, wife, cohabitant, father or mother of the victim or belongs to one of the categories set forth in article 303-4;

5th. When the perpetrator is vested with public authority or when, by reason of his office, he is called upon to participate, by the very nature of his functions, in the fight against prostitution, the protection of health or the maintenance of public order;

6th. When the infraction has been committed with respect to several persons;

7th. When the victims of the infraction have been enticed or incited to engage in prostitution outside the national territory;

8vo. When the victims of the offense have been enticed or incited to engage in prostitution upon their arrival abroad or within a period of time close to the date of arrival of the victim.

their arrival abroad;

9no. When the infraction has been committed by several perpetrators, co-perpetrators or accomplices.

* See explanatory note.

The penalties provided for in article 334 and in the present article shall be pronounced even when the various acts that are the constituent elements of the offense have been carried out in different countries.

The attempt of these acts shall be punished with the same penalties as the consummated act.

In none of the cases provided for in Paragraph I of the Sexual Assaults may extenuating circumstances be invoked to the benefit of the aggressor.

Art. 335.- Those convicted of the crime mentioned in the preceding article shall be disqualified from holding the offices of guardian or curator, and from being a member of the family councils, for at least one year, and at most three years if the offender is included in the first paragraph of this article; and if he is included in the second paragraph, the disqualification shall last from one to five years. In addition to the penalties that this article imposes on those who are guilty of crimes against honesty, if the guilty party is an ascendant in the first degree, legitimate or natural of the offended party, he shall be deprived of the rights and benefits that the Civil Code grants to parents in the treaty of parental authority over the person and property of their children. In all the cases referred to in the preceding provisions, the guilty parties shall be subject, by the sentence of conviction, to the special surveillance of the high police, for a period equal to that of the sentence, or to that of the disqualification that is decreed.

PARAGRAPH III.- VIOLATIONS OF THE PERSONALITY AND DIGNITY OF THE PERSON

Art. 336.- (Modified by Law No. 24-97 dated **January 28, 1997 G.O. 9945**). Any distinction made between natural



persons on the basis of their

origin, age, sex, family status, health status, disabilities, customs, political opinions, trade union activities, occupation, membership or non-membership, real or imagined, and the nature of the company's activities.

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or supposed, to a particular ethnic group, nation, race or religion.

Any distinction made between legal entities on the basis of their origin, age, sex, family status, health status, disabilities, customs, political opinions, trade union activities, membership or non-membership or supposed membership or non-membership of a particular ethnic group, nation, race or religion of the members or any of the members of the legal entity also constitutes discrimination.

Article 336-1.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). The discrimination defined in the preceding article committed with respect to a natural or moral person shall be punished with imprisonment of two years and a fine of fifty thousand pesos, when it consists of:

- 1st Refusal to supply or supply a good or service;
- 2nd. To hinder the normal exercise of any economic activity;
- 3rd. Refusing to hire, sanctioning or dismissing a person;
- Oto. Subordinate the supply of a good or service to a condition based on one of the elements foreseen in the preceding article;
- 5th Subordinating an offer of employment to a condition

based on one of the elements provided for in the preceding article.

Article 337.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**). It is punishable with imprisonment from six months to one year and a fine* of twenty-five thousand to fifty thousand pesos the fact of voluntarily attempting against the privacy of the life of the victim.

* See explanatory note.

private, the person or persons who by means of any of the following procedures:

1. Capture, record or transmit, without the author's consent, words spoken in a private or confidential manner;
2. Capture, record or transmit, without their consent, the image of a person in a private place;

When the acts referred to in this article have been carried out with the knowledge of the interested parties, without their having objected thereto, their consent is presumed.

Article 337-1.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). The same penalty shall apply to the act of keeping, bringing or allowing to bring to the knowledge of the public or a third party, or using, in any way whatsoever, any recording or document obtained with the help of one of the acts provided for in the present article.

When the infringement provided for in the preceding paragraph is committed by means of the written or audiovisual press, the specific provisions of Law No. 6132 on the Expression and Dissemination of Thought, of 1962, shall apply as far as the determination of the persons responsible is concerned.

Article 338.- (Modified by Law 24-97 dated January 28, 1997 G.O. 9945). It is punishable with imprisonment of one to two years and a fine of fifty thousand to one hundred thousand pesos, the fact of publishing, by any means whatsoever, the montage made with the words or image of a person without his knowledge, if it is not evident that it is a montage or if it is not expressly mentioned.

When the infraction foreseen in this article is committed by means of the written or audiovisual press, the particular provisions of Law No. 6132 on Expression and Dissemination of Thought, of 1962, shall apply with respect to the determination of the persons responsible.

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Article 338-1.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). It is punished with imprisonment from six months to one year and a fine* of ten thousand to twenty thousand pesos, the person who by telephone, identified or not, disturbs the peace of the people with threats, obscene, slanderous, defamatory or lying interventions against the receiver of the call or any member of the family.

Art. 339.- (Repealed by Law 24-97 dated January 28, 1997 G.O. 9945).

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). **Whoever** contracts a second or subsequent marriage, without having dissolved the previous one, shall be punished with the penalty of minor imprisonment. The officer of the Civil Status who knowingly lends his ministry for the celebration of said marriage shall incur the same penalty as that imposed on the guilty party.

SECTION 5: ILLEGAL DETENTION AND CONFINEMENT

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The following are guilty of illegal confinement and detention, and as such, subject to the penalty of minor imprisonment: 1st, those who without the order of a constituted authority and outside the cases in which the law allows the accused to be apprehended, arrest, detain or lock up one or more persons; 2nd, those who provide the place for the arrest, detention or imprisonment of one or more persons;

3rd, those who provide the place for the arrest, detention or imprisonment of one or more persons; 3rd, those who provide the place for the arrest, detention or imprisonment of one or more persons.

3. those who in any way assist in carrying out the detention or confinement.

Art. 342.- If the detention or confinement has lasted more than one month, the guilty parties shall be sentenced to detention.

The penalty shall be reduced to correctional imprisonment for a term of six months to two years if those guilty of the offenses mentioned in article 341 release the person arrested.

* See explanatory note.

The same shall be subject to the surveillance of the high police force.

Art. 344.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). If the detention is carried out by the perpetrators using a false suit or uniform, or an assumed name, or a false order from the public authority, or if the detained or imprisoned person has been threatened with death, the penalty of rigorous imprisonment shall be imposed on the guilty parties. If the detained or imprisoned persons have suffered bodily torture, the maximum penalty of rigorous imprisonment shall be imposed on the perpetrators.

SECTION 6TA:

**ATTACKS ON CHILDREN AND ADOLESCENTS:
ABDUCTIONS, TRANSFERS, CONCEALMENT AND
ABANDONMENT OF CHILDREN AND
ADOLESCENTS. ABANDONMENT OF THE FAMILY.
ATTACKS ON THE EXERCISE OF THE FATHER'S
AND MOTHER'S AUTHORITY. VIOLATIONS OF
FILIAION. INFRINGEMENT OF BURIAL LAWS.**

PARAGRAPH I.: ATTACKS ON CHILDREN AND ADOLESCENTS. ATTACKS ON FILIAION

Art. 345.- (Modified by Laws 24-97 dated **January 28, 1997 G.O. 9945 and 46-99 dated May 20, 1999**). Those guilty of abduction, concealment or suppression of children, those who substitute one child with another, and those who suppose the birth of a child in a woman who has not given birth to it, shall be punished with a penalty of five to ten years of major confinement and a fine* of five hundred to five thousand pesos. If it is proved that the child was not alive, the penalty shall be

shall be six months to one year imprisonment.

* See explanatory note.

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The penalty of correctional imprisonment shall be imposed on those who, being in charge of the upbringing of a child or adolescent, do not present him or her to the persons entitled to claim him or her.

All without prejudice to the provisions of Articles 194 to 196; 211 to 223 of the Code for the Protection of Children and Adolescents (Law No. 14-94).

Art. 346.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**) Physicians, surgeons, midwives and midwives who, in their capacity as such, attend a birth shall, within nine days following the birth, make their declaration before the Civil Status Officer, under penalty of being punished with a fine* of five hundred to five thousand pesos.

All without prejudice to the provisions of Article 4 of the Code for the Protection of Children and Adolescents (Law 1494).

PARAGRAPH II.- ABANDONMENT AND MISTREATMENT OF CHILDREN AND ADOLESCENTS

Article 347.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**). Whoever finds an abandoned child or newborn child, and does not deliver it to the Officer of Civil Status

or to the competent rural authority, if the fact results in the fields, shall suffer the penalty of correctional imprisonment from two months to one year, and a fine** of five hundred to five thousand pesos. This provision is not applicable to those persons who consent to be in charge of the child found; but it will always be obligatory for them to present it to the competent authority, and to give their statement on the circumstances concerning the child.

Art. 348.- (Amended by Law 24-97 dated January 28, 1997)

of 1997 G.O. 9945). Those who, being in charge of the upbringing or care of a child under seven years of age, take him or her to a public or private institution dedicated to the care of children under the age of seven years of age.

* See explanatory note.

** See explanatory note.

children, for the purpose of abandonment, shall be punished with imprisonment from two months to one year and a fine* of five hundred to five thousand pesos. However, no penalty shall be imposed on those who were not or have not been obliged to provide the child's expenses free of charge, and if no person has provided them.

Article 349.- (Modified by Law 24-97 dated January 28, 1997 G.O. 9945). The simple abandonment in a solitary place of a boy or girl under seven years of age, shall be punished, for the crime of abandonment, with imprisonment from six months to one year and a fine** of five hundred to five thousand pesos, applicable:

1st To those who have ordered or ordered the abandonment, if it is carried out; and

2nd To those who have executed it.

Article 350.- (Modified by Law 24-97 dated January 28, 1997 G.O. 9945). The penalties of imprisonment and fine*** indicated in the preceding article shall be increased, the first from six months to five years, and the second from one thousand to twenty thousand pesos with respect to the guardians, teachers or professors who order the abandonment of the child, or are guilty of said abandonment.

Article 351.- (Modified by Law 24-97 dated January 28, 1997 G.O. 9945). If due to the circumstance of abandonment referred to in the preceding articles, the child is mutilated or crippled, or if death occurs, the guilty parties shall be punished, in the case of mutilation, as guilty of the crime of wounds voluntarily inflicted, with a prison term of two to five years and a fine of ten thousand to twenty-five thousand pesos; and in case of death of the boy or girl, they shall be

considered guilty of homicide, with imprisonment of ten to twenty years and a fine **** of twenty-five thousand to fifty thousand pesos.

* See explanatory note. **

See explanatory note. ***

See explanatory note.

**** See explanatory note.

***** See explanatory note.

Art. 351-1.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). They shall be punished with sentences of six months to one year and a fine* of five hundred to five thousand pesos:

- 1st. Persons who, in a spirit of profit, have incited the parents, or one of them, to abandon their child, whether born or unborn;
- 2nd. To any person who has caused or attempted to cause the prospective parents, or one of them, to enter into an act in the terms of which they undertake to abandon the unborn child, or has retained such act, with intent to make use or attempt to make use of it;
- 3rd. Any person who, in a spirit of profit, has provided or attempted to provide his or her mediation to have a child picked up or adopted.

Article 351-2.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). Shall be considered guilty of abandonment and mistreatment of children and adolescents, and shall be punished with a prison sentence of one to five years and a fine** of five hundred to five thousand pesos, the father or mother or the persons in charge of any child or adolescent who do not give them sufficient attention, affection, surveillance or correction, or allow or incite them to carry out acts detrimental to their mental or moral health.

The father, mother or persons in charge of any child or adolescent who, by action or omission and intentionally, cause physical, mental or emotional harm to children or adolescents; when committing or allowing others to commit sexual abuse; when using or allowing children or adolescents to be used in the practice of sexual abuse; when using or allowing others to use children or adolescents in the practice

of sexual abuse; when using or allowing others to use children or adolescents in the practice of sexual abuse; when using or allowing others to use children or adolescents in the practice of sexual abuse; when using or allowing others to use children or adolescents in the practice of sexual abuse.

begging, pornography or prostitution; when children and adolescents are employed in forbidden jobs or in the

* See explanatory note.

** See explanatory note.

The following situations may occur: when they are not provided with food, clothing, housing, education or health care; when there are economic means to do so; or when, due to negligence, adequate means are not available.

Article 352.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**). When the abandonment referred to in the preceding articles is verified in places that are not solitary or deserted, the guilty parties shall be sentenced to correctional imprisonment of two to six months and a fine* of five hundred to two thousand pesos.

All, without prejudice to the provisions of Articles 22 to 26; 119, 120, 121, 126 to 129, 177 to 183 and 188 to 196 of the Code.

for the Protection of Children and Adolescents (Law 14-94).

Article 353.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**). The penalty indicated in the preceding article shall be increased from six months to five years and from one thousand to twenty thousand pesos, if the guilty parties were tutors, teachers or other persons in charge of the direction, upbringing or care of the child or adolescent.

PARAGRAPH III.- ABDUCTION, REMOVAL AND CONCEALMENT OF CHILDREN AND ADOLESCENTS

Article 354.- (Modified by Laws 24-97 dated **January 28, 1997 G.O. 9945** and **46-99 dated May 20, 1999**). The penalty of minor imprisonment shall be imposed on the person who, by means of deceit, violence or intimidation, steals, subtracts or snatches from one of the following
or more minors, causing them to leave the dwelling.
or domicile of those under whose authority or direction they were under.

Individuals who, in the course of their activities, are found guilty of any of the following offenses shall be sentenced to two to five years imprisonment and a fine** of five hundred to five thousand pesos.

* See explanatory note.

** See explanatory note.

The child or children or adolescents of either sex may be removed, snatched, abducted, subtracted, hidden or transferred by any of the aforementioned means, or by any other means, and regardless of the purposes they encourage, the qualities they hold or assert in court (degree of kinship, invoked or legally proven) and the sex to which they belong, to places other than those in which they were under the guardianship, protection and care of the person to whom they belong or to whom they have been attributed by a final judgment of the competent court or by a final judgment of the competent court, to places other than those in which they remain under the guardianship, protection and care of the person to whom they belong or to whom they have been attributed by a final judgment of the competent court, or authority created for that purpose, in accordance with articles 211 to 229; 251 to 254; 255 to 263; 265; 320 to 323 of the Code for the Protection of Children and Adolescents, without prejudice to the provisions of Law 583 of June 26, 1970, on Kidnapping.

A penalty of five to ten years of correctional imprisonment and a fine* of five to ten thousand pesos shall be applicable to persons who abduct or steal a child or adolescent in response to the payment of a ransom or the execution of an order or condition.

It is considered an aggravating circumstance for the agent subject to the action of justice, the failure to return the child or adolescent or the children or adolescents taken, abducted, transferred, displaced or hidden, after the representative of the Public Prosecutor's Office has granted a period of twenty-four hours for such purposes and the agent does not comply with such request.

It is also considered a circumstance that aggravates the application of the penalty if the displaced, abducted, abducted, hidden or relocated child or children or adolescents are suffering or have suffered from notorious

moral or material damages with the agent's actions or as a consequence of the same, by placing or depositing in the hands of the agent

* See explanatory note.

of another person or persons who are strangers to the child or displaced children or adolescents.

When the aggravating circumstances mentioned above exist, the maximum penalty shall always be imposed on the guilty party.

Art. 355.- (Modified by Laws 24-97 dated **January 28, 1997 G.O. 9945** and **46-99 dated May 20, 1999**). Any individual who removes a girl under eighteen years of age from her parental home or from her parents, guardians or caretakers, by any means other than those set forth in the preceding article, shall incur the penalty of one to five years of imprisonment and a fine* of five hundred to five thousand pesos.

The individual who, without violence, has made a young girl under eighteen years of age pregnant shall incur the same penalties as above.

The penalty shall always be the maximum of imprisonment and the fine** when the guilty party and the abducted or seduced girl are related by affinity in the second degree or kinship in the third degree, and the lesser imprisonment when there is a second degree of kinship between them.

The sentence of conviction shall always state that, in case of insolvency, both the fine*** and the indemnities to which the guilty party has been sentenced shall be compensated by imprisonment at the rate of one day for every one hundred pesos.

Art. 356.- (Modified by Law 24-97 dated January 28, **1997 G.O. 9945**). In the event that the seducer marries the aggrieved party, the latter may only be prosecuted by the

complaint of the persons who have the capacity to demand the annulment of the marriage, and only be sentenced after

this annulment has been pronounced.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

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Art. 357.- (Modified by Law 24-97 dated January 28, 1997 G.O. 9945). When the abductor or seducer is of equal or younger age than the abducted or seduced girl, the imprisonment and fine* shall be reduced, in each case, by half. In the event that both or one of them is under eighteen years of age, the provisions of Articles 266 to 267 shall be applicable.

269 of the Code for the Protection of Children and Adolescents (Law 14-94).

Art. 357-1.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). Any person (man or woman) who moves his or her domicile to another place after divorce, separation of bodies or annulment of marriage, while his or her children habitually reside with him or her, must notify any change of his or her domicile and any change of residence to those who may exercise, with respect to the children, a right of visitation or accommodation by virtue of a judgment or a judicially homologated agreement or a court order.

If such person (man or woman) fails to make this notification within one month of the transfer, he/she shall be punished with imprisonment from one to six months and a fine** of five hundred to ten thousand pesos.

All without prejudice to the provisions of Articles 23 to 26, 115, 116, 117, 126, 173 and 174 of the Code for the Protection of Children and Adolescents (Law 14-94).

PARAGRAPH IV.- VIOLATIONS OF THE EXERCISE OF PARENTAL AUTHORITY

Art. 357-2.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). When by virtue of the law, by a judicial decision, provisional or definitive, or a convention

judicially homologated, it is decided that authority shall be exercised by the parent alone, or by both parents.

* See explanatory note.

** See explanatory note.

jointly, or that the minor is entrusted to a third party, the father, the mother or any person who does not present this minor to those who have the right to claim it or who, even without fraud or violence, removes or displaces it, or cause him to be removed or displaced from the hands of those who exercise authority or to whom he has been entrusted or from the house where he has his habitual residence, or from the places where the latter have placed him, shall be punished with imprisonment from one month to one year, and with a fine* of five hundred to fifteen thousand pesos. If the guilty party has been deprived of authority, the penalty may be increased up to three years, all without prejudice to the provisions of articles 23 to 26, 115, 116, 117, 173 and 174 of the Code for the Protection of Children and Adolescents (Law 14-94).

PARAGRAPH V.- ABANDONMENT OF FAMILY

Art. 357-3.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). Shall be punished with imprisonment from three months to one year and a fine** of five hundred to fifteen thousand pesos:

The father or the mother of a family who abandons without serious reason, for more than two months, the family residence, and who withdraws from all or part of the obligations of moral or material order resulting from the authority of the father and the mother or from the legal guardianship. The period of two months cannot be interrupted except by a return to the home that implies the will to reintegrate definitively to the family life;

The spouse or cohabitant who, without serious motive, voluntarily abandons, for more than two months, the spouse or cohabitant, knowing his or her

state of pregnancy;

* See explanatory note.

** See explanatory note.

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3rd. The father or mother who, neglecting the authority, whether or not pronounced over him or her, seriously compromises by ill-treatment, pernicious examples, habitual drunkenness, or by notorious bad conduct, by a lack of attention or by a lack of necessary direction, either the health, or the safety, or the morality of their children, or of one or more of the latter.

With respect to the infractions foreseen in Paragraphs 1 and 2 of the present Article, the prosecution shall initially entail an intimation of the offender, ascertained in an official record, by an officer of the Judicial Police, granting him/her a term of eight days to perform his/her obligations. If the offender absconds or if he/she has no known residence, the summons shall be replaced by sending a registered letter to the last known address, or by using the procedure established in the Code of Civil Procedure, Article 69, Paragraph 7.

In the same cases, during the marriage, the persecution may only be exercised by the complaint of the spouse who has remained in the home.

Art. 357-4.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). Shall be punished with imprisonment from three months to one year and a fine* of five hundred to fifteen thousand pesos any person (man or woman) who, disobeying either a decision issued against him/her under Paragraph 4 of Article 214 of the Civil Code, or an ordinance or a judgment condemning him/her to pay alimony to his/her spouse, ascendants or descendants, or a judgment having condemned him/her to pay benefits or pensions to a son or daughter, has intentionally or unintentionally remained in the custody of his/her spouse, ascendants or descendants, or a judgment

having condemned him/her to pay benefits or pensions to a son or daughter, has remained in the custody of his/her spouse, ascendants or descendants, or a judgment having condemned him/her to pay alimony to his/her spouse, ascendants or descendants.

voluntarily for more than two months without providing the full benefits determined by the judge or paying the full amount of the pension.

* See explanatory note.

The same penalties are applicable to any person (man or woman) who, after divorce, separation or annulment of marriage, has remained, intentionally or voluntarily, for more than two months without paying in full to his or her spouse or children the benefits and pensions of any kind due to them, by virtue of a judgment or a judicially approved agreement, or to the cohabitant or the cohabitant who for more than two months has failed to pay the pensions and benefits to his or her children, due by virtue of a judgment.

Failure to pay shall be presumed to be voluntary, unless there is contrary proof. Insolvency resulting from habitual misconduct, laziness or drunkenness shall in no case be a valid excuse for the debtor.

Any person (man or woman) convicted of one of the offenses provided for in the present article and in the preceding article may, in addition, be deprived for at least five years and at most ten years of the interdiction of the rights mentioned in article 42 of the Criminal Code.

The competent court, to hear the offenses provided for in the present article, shall be the court of the domicile or residence of the person who is to receive the pension or benefit from the economic resources.

Art. 357-5.- (Added by Law 24-97 dated January 28, 1997 G.O. 9945). Any person, man or woman, who transfers his or her residence to another place, after divorce, separation of bodies or annulment of marriage, or of the sentence condemning him or her to the payment of a pension, as long as he or she remains obliged in the future, with respect to his or her spouse, cohabitant, or

The former cohabitant or his or her children, to benefits or pensions of any nature, by virtue of a judgment or a judicially approved agreement, must notify the creditor or creditor of these benefits or pensions of his or her change of domicile, by act of bailiff.

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If the debtor fails to give such notice within the month, he/she shall be punished with imprisonment from one to six months and a fine* of five hundred to fifteen pesos.

All without prejudice to the provisions of articles 119, 120 and 121 of the Code for the Protection of Children and Adolescents.

PARAGRAPH VI.- INFRINGEMENT OF THE LAWS RELATING TO BURIALS

****Art. 358.-** Whoever, without prior authorization from the competent authority, buries the corpse of a deceased individual, shall be punished with correctional imprisonment from six days to two months and a fine of fifty pesos; without prejudice to the procedures that may be followed, for the crimes that in this case are imputed to the authors of the burial. The same penalty shall be incurred by whoever violates the laws and regulations relating to festive burials.

Art. 359.- Whoever conceals or covers up the corpse of a murdered or dead person as a result of blows or wounds, shall be punished with correctional imprisonment from six months to two years, and a fine*** of twenty to two hundred pesos; without prejudice to more serious penalties if he is an accomplice to the crime.

Art. 360.- Whoever desecrates corpses, graves or tombs, shall be punished with correctional imprisonment from one month to one year, and a fine **** of ten to one hundred pesos; without prejudice to more serious penalties, if he is guilty of the other crimes that may be committed in these cases.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

**** See explanatory note.

**SECTION 7MA. :
FALSE TESTIMONY, DEFAMATION,
LIBEL, SLANDER, DISCLOSURE OF
SECRETS**

PARAGRAPH I: FALSE TESTIMONY

Art. 361.- (Modified by Executive Order 202 of December 28, 2002).

August 1918, G.O. 2939-A):

1. Perjury is the affirmation of a false fact, under oath or promise to tell the truth; whether in testifying before any Court, Judge, officer, or other person competent to receive the oath or promise; or in any document subscribed by the person making the statement, in any civil or criminal proceeding, in any case in which the oath or promise is required or admitted by law;
2. Accomplices to perjury are those who by threats, promises, persuasion, inducement, supplication or gifts have caused another person to commit perjury;
3. Perjury is committed even if the oath or promise is irregular due to formal defects;
4. (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). Perjury shall be punished with the penalties and according to the following distinctions:
 - a) When as a result of perjury an accused person has been sentenced to thirty years of rigorous imprisonment, and the sentence has been executed, the perpetrator of the perjury shall be

maximum of the major confinement.

- b) In addition to the case provided for in the preceding paragraph, provided that as a result of the perjury, the accused has suffered a total or partial penalty.

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The same penalty shall be imposed on the perpetrator of perjury.

- c) When the accused convicted as a result of the perjury has not suffered totally or partially the penalty imposed, the perpetrator of the perjury shall be sentenced to six months of correctional imprisonment or a fine* of not less than one hundred pesos (RD\$100.00) nor more than one thousand pesos (RD\$1,000.00) or both penalties at the same time.
 - d) Any other case not provided for in the preceding paragraphs shall be punished with a fine** of fifty pesos (RD\$50.00) to ten thousand pesos (RD\$10,000.00); or correctional imprisonment from one month to two years, or both penalties at the same time.
 - e) The accomplice or accomplices to perjury shall be subject to the same penalty as the perpetrator of the perjury.
- 5. Article 463 of the Penal Code is not applicable to cases of perjury, neither with respect to perpetrators nor accomplices;
 - 6. Any law or part of a law that is contrary to the provisions of this order is hereby repealed.

PARAGRAPH II: DEFAMATION, LIBEL, SLANDER,

DISCLOSURE OF SECRETS

Article 367.- Defamation is the allegation or imputation of a fact that attacks the honor or consideration of the person or body to which it is imputed. Any of the following shall be qualified as libel

affronting expression, any invective or term of disparagement that does not contain the imputation of a precise fact.

Art. 368.- Public defamation or slander directed against the Head of State shall be punished with three months to one year of imprisonment and a fine*** of ten to one hundred pesos and the accessory penalty of

* See explanatory note.

** See explanatory note.

*** See explanatory note.

for a period equal to that of the sentence of absolute and special disqualification from civil and political rights referred to in Article 42.

Art. 369.- Defamation or slander made against Members,
○ Representatives to Congress, Secretaries of State, Magistrates of the Supreme Court, or of the courts of first instance, or the Heads and Sovereigns of friendly nations, shall be punished with imprisonment from one to six months and a fine* of fifty pesos.

Article 370.- The penalties of eight days to three months of correctional imprisonment and a fine** of five to twenty-five pesos shall be imposed separately or jointly on those who commit the crime of defamation against the depositaries or agents of the public authority, or against ambassadors or other diplomatic agents accredited in the Republic.

Art. 371.- Defamation against private individuals shall be punished with imprisonment from six days to three months and a fine*** of five to twenty-five pesos.

Article 372.- An insult made to one of the persons mentioned in Article 369 shall be punished with a fine**** of twenty to one hundred pesos, and imprisonment from eight days to three months; and that which is directed to private individuals shall be punished with a fine***** of five to fifty pesos.

Article 373.- (Modified by Law 5898 of May 14, 1962). In order for the above provisions to apply, the circumstance of publicity of the defamation must be present.

○r of the injury. Insult that does not have the double character of publicity and imputation of a determined vice, will be punished with simple police penalties.

* See explanatory note. **

See explanatory note. ***

See explanatory note.

**** See explanatory note.

***** See explanatory note.

Article 374.- Speeches made in the Legislative Chambers, reports, memoirs and other documents printed by order of Congress, the Executive or the Judiciary shall not be considered libelous or defamatory, nor shall they give rise to any proceedings. Nor shall the faithful account given in good faith by the newspapers of the public sessions of Congress, nor the writings produced or the speeches delivered before the courts of justice give rise to any action; however, in the latter case, the judges may, upon hearing the merits, order the suppression of the libelous or defamatory writings, and even impose disciplinary penalties on the lawyers who have produced them. Facts extraneous to the cause may give rise to public or civil action, when the courts have reserved this right to the parties or third parties.

Article 375.- Recidivism of the crimes provided for in this section shall be punished in accordance with the provisions of Chapter 4 of Book 1 of this Code.

Art. 376.- These provisions do not restrict the right of citizens to report public officials and employees to the competent authorities for improper performance of their duties.

Art. 377.- Physicians, surgeons, and other health officials, apothecaries, midwives and all other persons who, by reason of their profession or trade, are depositaries of the secrets of others and who, outside the cases in which the law obliges them to become whistleblowers, reveal such secrets, shall be punished with correctional imprisonment from one to six months, and a fine* of ten to one hundred pesos.

Art. 378.- (Modified by Law 1603 of December 11, 2009).

of 1947 G.O. 6724). Whoever, in order to discover the secrets of others, takes possession of their papers or letters, and divulges them, shall be punished with three months to one year of imprisonment; and

* See explanatory note.

fine* from twenty-five to one hundred pesos. If he/she does not disclose them, the penalties shall be reduced by half. The penalties are not applicable to spouses, parents, guardians or those who act in their stead, with respect to the papers or letters of their spouses or of the minors under their guardianship or dependence.

CHAPTER II: CRIMES AND OFFENSES AGAINST PROPERTIES

SECTION 1: THEFTS

Art. 379.- Whoever fraudulently steals a thing that does not belong to him shall be guilty of theft.

Article 380.- Thefts between spouses and those carried out by widowers with respect to things that belonged to the deceased spouse shall not be considered theft, nor shall they give rise only to civil indemnities. Neither shall thefts between ascendants and descendants, and their relatives, be considered thefts. However, other persons who conceal or take advantage of all or part of the stolen objects shall be considered as theft.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Those guilty of robbery shall be punished with the maximum penalty of major incarceration when the following five circumstances concur in the act: 1st When the robbery has been committed at night; 2nd When it has been committed by two or more persons; 3rd When the guilty parties or some of them carry visible or concealed weapons; 4th When the crime is committed by breaking a wall or ceiling, or by climbing or fracturing a wall or ceiling; 4th When the crime is committed by breaking a wall or ceiling, or

by climbing or fracturing a wall or ceiling; 4th When the crime is committed by breaking a wall or ceiling, or by breaking or fracturing a wall or ceiling; 4th When the crime is committed by breaking or fracturing a wall or ceiling, or by breaking or fracturing a wall or ceiling, or by breaking or fracturing a wall or ceiling, or by breaking or fracturing a wall or ceiling.

(b) to break into houses, dwellings, rooms and other places inhabited or used as living quarters, by using false keys, picklocks or other instruments, or by using false keys, picklocks or other instruments to break into houses, dwellings, rooms and other places inhabited or used as living quarters.

* See explanatory note.

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When the crime has been committed with violence or threatening to use their weapons; or by entering the place of the robbery, in favor of supposed names or simulation of authority, taking their title or wearing their uniform, or alleging a false order from the civil or military authority; and 5th. When the crime has been committed with violence or threat of making use of their weapons.

(Modified by Laws 461 of May 17, 1941 G.O. 5595; 224 of **June 26, 1984 and 46-99 of May 20, 1999**). The penalty of five to twenty years of rigorous imprisonment shall be imposed on anyone guilty of the crime of robbery, if committed with the use of violence. If the violence exercised to commit the robbery has even left signs of contusions or wounds, this circumstance alone will suffice for the maximum penalty of prison mayor to be pronounced.

(Modified by Laws 461 of May 17, 1941 G.O. 5595; 224 of **June 26, 1984 and 46-99 of May 20, 1999**). Thefts committed on public roads or in railroad cars used for the transportation of passengers, mail or luggage, provided they are formed by train, shall be punished with the maximum penalty of prison mayor, if one of the two circumstances foreseen in article 381 concur in their commission; but if only one of those circumstances concur, the penalty shall be ten to twenty years of prison mayor. In other cases, the guilty parties shall be sentenced to three to ten years of major incarceration.

Article 384.- (Modified by Laws 461 of May 17, 1941 G.O. 5595; 224 of **June 26, 1984 and 46-99 of May 20, 1999**). A penalty of five to twenty years of major confinement shall be imposed on those who commit robbery using one of the means set forth in subsection Eight.

of article 381, even if the breaking, climbing and use of false keys have been carried out in buildings or enclosures not attached to inhabited houses, and even if the breaking has only been internal.

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Art. 385.- (Modified by Laws 461 of May 17, 1941 G.O. 5595; 224 of June 26, 1984 and 46-99 of May 20, 1999). The same penalty shall be imposed on those guilty of robbery committed with two of the following three circumstances:

- 1.- If the robbery is executed at night;
- 2.- If it has been committed in an inhabited house or in one of the buildings consecrated to religious cults;
- 3.- If it has been done by two or more persons.

And if in addition the culprit or any of the culprits were carrying visible or concealed weapons.

(Modified by Laws 461 of May 17, 1941 G.O. 5595; 224 of June 26, 1984 and 46-99 of May 20, 1999). Theft shall be punished with a penalty of three to ten years of major confinement, when the guilty party is in one of the following cases:

- When it is committed at night, and by two or more persons, or when one of the two aforementioned circumstances is present in the commission of the crime, provided that it has been committed in an inhabited place, or in a place intended for habitation, or devoted to the exercise of a cult established in the Republic;
- 2.- When the culprits or some of them were carrying visible or concealed weapons, even if the crime

was committed during the day and the place where the robbery was committed was not inhabited, and even if the robbery was committed during the day, and even if it was committed in a place that was not inhabited, and even if the robbery was committed during the day.

committed by a single person;

When the thief is a servant or employee of the person who was robbed, or when the latter, although not the owner of the house, is staying in it, or when the servant or employee steals in a house where his master is staying, accompanying the latter;

- when the thief is a worker, journeyman or apprentice of the house, workshop, warehouse, or establishment in which the thief is engaged.

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The theft is executed, or when he habitually works in those;

When the robbery is committed in hotels, boarding houses, inns, inns, cafés, by the owners of these establishments or their servants, on things entrusted to them by the robbed persons, or when the thief is the transporter of the stolen objects, provided that they have been entrusted to them as drivers of animals, vehicles or river, sea or air vessels, or as managers or employees of the same;

Paragraph: (Added by Law 5901 of May 14, 1962). In the case of subsection 3, if the stolen goods do not exceed thirty pesos, and extenuating circumstances are taken into account, the penalty may be reduced up to two months imprisonment.

Art. 387.- The penalties of the preceding article shall be imposed on muleteers, boatmen and muleteers, or their laborers, who alter with a mixture of noxious substances the wines, liquors and other liquids, whose conduction is entrusted to them. If the mixture does not contain noxious substances, they shall only incur the penalty of one month to

one year of correctional imprisonment, and a fine* of twenty pesos to one hundred pesos.

(Modified by Laws 597 of February 1, 1965, G.O. 8922; 224 of June 26, 1984 and 46-99 of May 20, 1999). Whoever in the fields steals horses, beasts of burden, draught or saddle horses, large or small livestock or agricultural implements, shall be sentenced to correctional imprisonment of six months to two years and a fine** of five hundred to one thousand pesos.

The same penalties shall be incurred by those who are guilty of theft of timber from shipyards, cuttings and collapses or

* See explanatory note.

** See explanatory note.

wharfs, stones in quarries or fish in ponds, nurseries or ponds.

Whoever in the fields steals crops or other useful products of the earth already detached or removed from the ground, or piled up grains that are part of the crops, shall be punished with the same penalties.

If the robbery has been committed at night or by two or more persons or with the help of vehicles or beasts of burden, the penalty shall be a lesser term of imprisonment.

When the theft of crops or other useful products of the land, which, before being stolen, were not already removed or taken from the land, has been committed with the help of baskets, sacks or other similar objects, or at night, or with the help of vehicles or pack animals, or by several persons, the penalty shall also be minor imprisonment.

In all the cases provided for in this article that are punishable by correctional penalties, the guilty parties, in addition to the principal penalty, may be deprived of all or some of the rights mentioned in article 42, for not less than one year, nor more than two years, counted from the date on which they served the principal penalty. They may also be placed, by sentence, under the supervision of the high police for an equal period.

Attempted thefts provided for in this article shall be punished as the consummated crime.

Article 389.- (Modified by Law 461 of May 17, 1941, **Official Gazette 5595**). Whoever, in order to commit a robbery, removes or moves the markers or signs of any kind, shall be punished with correctional imprisonment from three months to two years.

that serve as a boundary to the properties. The guilty party may be sentenced to the deprivation of the rights mentioned in Article 42, for a period of two to five years.

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Article 390.- Inhabited houses are considered to be buildings, dwellings, shacks, huts, even ambulatory ones, which, without being currently inhabited, are intended for habitation. Outbuildings such as yards, yards, corrals, barns, stables and other buildings that are enclosed therein, regardless of the use to which they are put, and even when they have a particular enclosure in the fence or general circuit, are also considered inhabited places.

Article 391.- Corrals, pigpens and pigsties, destined to enclose large or small livestock, regardless of the material of which they are made, shall also be considered as dependencies of an inhabited house, when they depend on huts or other places of shelter for the guardians of said livestock.

392. Land surrounded by ditches, fences, brambles, brambles, boards, palisades, hedges, living or dead hedges, or walls, whatever the nature of the materials used in their construction, and whatever their height and depth, and their state of deterioration or age, and even if there is no lockable gate or otherwise, or even if the gate is a gate or is habitually open, is considered enclosed.

Article 393.- Fracture is defined as the breaking, breaking, damaging or demolition of walls, ceilings, floors, mezzanines, doors, windows, locks, padlocks or other utensils or instruments that serve to close or impede passage. Fracture is also defined as the breaking of any other type of fence, whatever it may be.

Art. 394.- Fractures are external or internal.

Art. 395.- Exterior fractures are those used by an individual to penetrate houses, yards, enclosures or their dependencies, or dwellings or other inhabited places; and interior fractures are those which, after the guilty party penetrates the places mentioned in the preceding paragraph, are made to doors, windows or interior hedges, as well as those whose purpose is to open closets and other closed furniture.

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396.- The following are included in the categories of internal theft: the simple theft of boxes, small boxes, bundles arranged with packaging, and other closed furniture containing effects, whatever they may be, and even if the theft does not take place in the place where the theft was committed.

Article 397.- The following shall be considered as breaking and entering: the entry into houses, yards, gardens, corrals and other fenced buildings, carried out over the walls, doors or roofs, or by overcoming any other fence. The person who enters through subway passages, which have not been established to serve as an entrance, shall be assimilated to the guilty party of burglary.

Art. 398.- The following are and shall be considered false keys: lock picks, lock picks, master keys and any other keys; and other instruments used by the guilty party to open the bolts, padlocks or locks of doors, windows, cabinets and other closed furniture, when they are not the ones that the owner, guest or tenant used for that purpose.

Art. 399.- When false keys and other instruments referred to in the preceding article are used, the guilty parties shall be sentenced to correctional imprisonment from three months to one year, and a fine* from five to fifty pesos. Professional locksmiths who imitate, alter or manufacture false keys shall be sentenced to imprisonment from six months to two years, and a

fine** of ten to one hundred pesos, if they are accomplices in the theft.

(Modified by Laws 461 of May 17, 1941, G.O. 5595; 224 of June 26, 1984 and 46-99 of May 20, 1999). The person who has taken by force, violence or constraint, the signature or delivery of a writing, act, title or document that contains or operates any obligation, disposition or discharge, shall be punished with a penalty of three to ten years of major imprisonment.

* See explanatory note.

** See explanatory note.

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Whoever, by means of a written or verbal threat of disclosure or defamatory imputation, has extorted or attempted to extort the delivery of funds or securities or the signing or delivery of the aforementioned documents, shall be punished with the penalty of minor imprisonment and a fine* of two hundred to five hundred pesos.

The seized person who has destroyed or distracted or attempted to destroy or distract objects that have been seized and entrusted to his custody, shall be punished with the penalties stipulated in article 406 for breach of trust.

If the seized objects have been entrusted to a third party, the penalties to be imposed on the owner who has destroyed or attempted to destroy or distract them, shall be those of double the penalties provided for, according to the different cases, by article 401.

The same penalties shall be imposed on any debtor, borrower or third party pledgor who has destroyed or distracted or attempted to destroy or distract objects pledged by him.

The person who knowingly conceals the distraction, and the spouses, ascendants or descendants of the distrainee, the debtor, the borrower or the third party pledgor, who have assisted in the destruction or distraction, or in the attempted destruction or distraction of the objects, shall suffer a penalty equal to that imposed on the former.

Article 401.- (Modified by Law 36-2000 of June 18, **2000**). Other robberies not specified in the present section, as well as their attempts, shall be punished according to the following scale:

- 1.- With imprisonment from fifteen days to six

months and a fine** of fifty to five hundred pesos, when the value of the stolen property does not exceed one thousand pesos;

With imprisonment from three months to one year and a
fine*** from five hundred to three thousand pesos,
when the value of the

* See explanatory note.

** See explanatory note.

*** See explanatory note.

stolen thing exceeds one thousand pesos, but not more than three thousand pesos;

- 3.- With imprisonment of one to two years and a fine* of one thousand to three thousand pesos, when the value of the stolen property exceeds three thousand pesos, but not more than five thousand pesos;
- 4.- With two years of correctional imprisonment and a fine** of one thousand to five thousand pesos, when the value of the stolen thing exceeds five thousand pesos.

Paragraph I.- In all cases, the guilty parties may also be sentenced to deprivation of the rights mentioned in Article 42 of this Code, for a period of between one and three years. The guilty parties may also be ordered by sentence to be placed under the surveillance of the high police for the same period of time.

Paragraph II.- Whoever, knowing that he is unable to pay, has himself served beverages and/or food that he consumes in whole or in part, in any establishment intended for that purpose, shall be guilty of fraud and shall be punished with correctional imprisonment of fifteen days to six months and a fine*** of one hundred to two thousand pesos.

Paragraph III.- Whoever, without having sufficient resources to pay for lodging, lodges as a guest in any hotel, boarding house or other establishment intended for such purposes and does not pay the price in the manner and within the terms established, commits the crime of fraud, and shall be punished with imprisonment from one month to one year and a fine**** of five hundred to three thousand pesos.

Paragraph IV.- The Justices of the Peace shall be competent

to hear the facts provided for in subsection 1 of Article 401, as well as in the cases of fraud and fraud as provided for in the following paragraphs.

paragraphs II and III of the same article.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

**** See explanatory note.

**SECTION 2:
BANKRUPTCIES,
SWINDLES AND FRAUDS
AND OTHER TYPES OF FRAUD**

PARAGRAPH I: BANKRUPTCIES AND FRAUDS

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). When in the cases provided for by the Code of Commerce, any person is declared guilty of bankruptcy, the following penalties shall be imposed: in cases of fraudulent bankruptcy, a minor imprisonment shall be applied; and in cases of simple bankruptcy, a correctional imprisonment of at least fifteen days and at most one year shall be applied.

Article 403.- The accomplices of a fraudulent bankruptcy, declared as such, shall suffer the same penalty incurred by the fraudulent bankrupt.

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Exchange agents and brokers who have gone bankrupt shall be punished with the penalty of minor imprisonment; and with major imprisonment, if the bankruptcy was fraudulent.

Art. 405.- The following are guilty of swindling, and as such shall incur the penalties of correctional imprisonment from six months to two years, and a fine* of twenty to two hundred pesos: 1st. those who, taking advantage of supposed names and qualities or by using fraudulent means, give as certain the existence of false companies, imaginary credits, or powers that they do not have, with the purpose of defrauding the whole or part of the capital of others, causing or attempting to cause the delivery or remittance of funds, bank or treasury bills, and any other public effects, furniture, obligations containing promises, provisions, settlements or releases; 2nd.



those who, to achieve the same object, give rise to the

hope or fear of an accident or any other chimerical event. Those convicted of fraud may not also be sentenced to the accessory penalty of disqualification.

* See explanatory note.

The same shall apply to the absolute or special penalty for the positions and offices referred to in Article 42, without prejudice to the penalties set forth in the Code for cases of falsehood.

Paragraph: (Added by Law 5224 of September 25, 1959 G.O. 8408; and amended by Laws 224 of September 26, 1959 G.O. 8408; and amended by Laws 224 of September 26, 1959 G.O. 8408.

June 1984 and 46-99 of May 20, 1999). When the acts incriminated in this article are committed to the detriment of the Dominican State or its institutions, the guilty parties shall be punished with minor imprisonment if the swindle does not exceed five thousand pesos, and with major imprisonment if it reaches a higher amount, and, in both cases, to the return of the value involved in the swindle and to a fine* no less than that value and no more than three times the same.

PARAGRAPH II: BREACH OF TRUST

Article 406.- (Modified by Law 461 of May 17, 1941 G.O. 5595). **Whoever, abusing the weakness, passions or needs of a minor, makes him subscribe, to his own detriment, an obligation, settlement or discharge, for loans of money or movable things, or trade bills or other obligatory effects, shall incur the penalty of correctional imprisonment of one to two years, and a fine of not less than fifty pesos, nor shall it exceed one third of the compensation and restitution owed to the aggrieved party. These provisions will be applied, whatever the form given to the negotiation, or the manner used to give the abuse the appearance of legality. The accessories of disqualification referred to in the last paragraph of the preceding article may be pronounced in the cases of this article.

Article 407.- The penalties indicated in the preceding provision shall be imposed on those who abuse a signature in blank that is

The signature of a person who has been entrusted to them, by fraudulently writing an obligation, release or any other act that may compromise the person or property of the signatory. If the blank signature does not

* See explanatory note.

** See explanatory note.

If the guilty party has been entrusted with the information, he/she shall be considered as a guilty party of forgery and, as such, shall be subject to the penalties set forth in this Code.

(Modified by Laws 461 of May 17, 1941 G.O. 5595; 224 of **June 26, 1984 and 46-99 of May 20, 1999**). Those who, to the detriment of the owners, possessors or holders, subtract or distract effects, capital, merchandise, bills, bills of exchange, settlements or any other documents containing obligations or that operate discharge, are also guilty of abuse of trust and as such incur the penalties set forth in article 406, when these things have been entrusted to them, when these things have been entrusted or delivered to them as a mandate, deposit, lease, rental, pledge, loan for use or gratuitous bailment or for work subject or not to remuneration, and when in this and in the previous case there is an obligation on the part of the guilty party to return or present the thing referred to, or when it had a determined application.

If the abuse of trust has been committed by a person, addressing the public with the purpose of obtaining, either on his own account or as director, administrator, or agent of a company or of a commercial or industrial enterprise, the delivery of funds or securities by way of deposit, mandate, or pledge, the penalty incurred by the guilty party shall be minor imprisonment and a fine* of five hundred to two thousand pesos.

If the breach of trust referred to in this article is committed by a public or ministerial official, servant or employee, or by a disciple, dependent, worker or employee, to the detriment of his master, teacher or principal, the guilty party shall be sentenced to three to ten years of rigorous imprisonment. These provisions in no way modify the penalties imposed by

articles 254, 255 and 256, with respect to theft of property.

and thefts of money or documents in public deposits and archives.

* See explanatory note.

Paragraph: In all cases of breach of trust, when the damage caused exceeds one thousand pesos, but does not exceed five thousand pesos, the penalty shall be three to five years of minor imprisonment and the maximum of minor imprisonment if the damage exceeds five thousand pesos.

Article 409.- Whoever is accused of the theft of a title, document, memorandum or any other document previously produced by him, in the course of the judicial answer, shall be fined* from ten to one hundred pesos. The court hearing the answer shall impose the penalty.

PARAGRAPH III: RAFFLES, GAMING HOUSES AND PLEDGE LOANS

Article 410.- (Modified by Law 3664 of October 31, 1953, **G.O. 7622**). All kinds of games of chance are prohibited, except in cases regulated by special laws. Anyone who in his house, or in any other house, or in any place, establishes or consents to a game of chance, regardless of its denomination or the way it is played, those who act as bankers of the game, and those who take part in it, shall be punished with correctional imprisonment from one to six months, and a fine** of ten to one hundred pesos; and the money and effects put into play, the furniture of the room and the instruments, objects and tools destined to the game shall be confiscated.

Paragraph I.- Those who establish or hold or take part in raffles or lotteries not authorized by law, or who act as owners, administrators, managers, organizers, agents or purchasers of raffle or lottery numbers, shall be punished with imprisonment from three months to one year and a fine*** of one hundred to one thousand gold pesos.

Paragraph II.- When the raffles or lotteries involve amounts of

money, either exclusively, or in combination with

* See explanatory note.

** See explanatory note.

*** See explanatory note.

any other objects, or when any of the systems generally known under the denomination of "la bolita", "aguante", or any other similar form is used, the maximum of the penalties indicated in the previous paragraph will be applied to owners, administrators, managers, organizers, agents or purchasers of numbers in the aforementioned raffles. In this case, preventive imprisonment will be mandatory and there will be no bail. In case of recidivism, the guilty parties will be subject to double the penalties indicated herein.

PARAGRAPH III.- IF THE CULPRITS ARE FOREIGNERS, THE SENTENCE SHALL RECOMMEND THEIR DEPORTATION AFTER THE COMPLETION OF THE SENTENCES IMPOSED ON THEM

(Added by Law 1025 of October 17, 1945 G.O. 6345). Jurisdiction is attributed to the Courts of the Peace to hear the infractions foreseen in article 410, as amended, of the Penal Code.

Art. 411.- Whoever, even with legal authorization, opens a pledge lending house, and does not keep a record that, without interruption, blank or space, contains the amounts and things lent, the names, domicile and profession of the persons receiving the loans, the nature, quality and value of the things given in pledge, shall be punished with a fine* of ten to one hundred pesos, and imprisonment from fifteen days to three months. The same penalties shall be incurred by whoever without competent authorization opens a house of this nature.

PARAGRAPH IV: OFFENSES AGAINST THE FREEDOM OF AUCTIONS

Article 412.- Those who, by intimidation, threats, gifts or probables, restrict or hinder the freedom of auctions, regardless of



the

whatever its nature, shall be punished with a fine** of twenty-five to two hundred pesos, and imprisonment from fifteen days to three months. The

* See explanatory note.

** See explanatory note.

The same penalties shall be imposed on those who, with the purpose of hindering the an auction, to keep the bidders away from it.

PARAGRAPH V: VIOLATION OF REGULATIONS RELATING TO MANUFACTURING, COMMERCE AND THE ARTS

Article 413.- Any violation of the regulations relating to products exported abroad, the purpose of which is to guarantee their good quality, dimensions and the nature of their manufacture, shall be punished by a fine of at least forty pesos and at most five hundred pesos and confiscation of the goods.* . These two penalties may be accumulated, according to the circumstances.

Article 414.- A prison term of one month to one year, and a fine of ten to three hundred pesos, or one of the two penalties only, shall be imposed on anyone who, by means of violence, threats or fraudulent maneuvers, has operated, maintained or attempted to operate and maintain a work stoppage, with the purpose of forcing the increase or decrease of wages, or of infringing upon the free exercise of the industry.

Art. 415.- When the acts punished by the preceding article have been committed as a consequence of a concerted plan, the guilty parties may, by virtue of the sentence, be subjected to the surveillance of the high police for at least one year, and at most three years.

416.- A prison term of from one to six months, and a fine of from ten to one hundred pesos, or one of the two penalties only, shall be imposed on all workmen and contractors who, by means of fines, prohibitions, prescriptions and interdictions pronounced as a consequence of a concerted plan, have infringed upon the free exercise of industry and of the

work. Articles 414 and 415, which precede shall apply to

* See explanatory note.

** See explanatory note.

*** See explanatory note.

The company's operations are aimed at landowners or settlers, as well as harvesters, servants and farm laborers.

Art. 417.- Those who, with the purpose of harming the industry of the country, have caused directors, employees or workers of an establishment to pass abroad, shall be punished with imprisonment from six months to two years, and a fine* of ten to sixty pesos.

Art. 418.- Every director, employee and factory worker who has communicated, or attempted to communicate to foreigners or Dominicans residing abroad, the secrets of the factory in which he is employed, shall be punished with six months imprisonment and a fine** of ten to sixty pesos. They may also be deprived of the rights mentioned in Article 42, for one to three years, and placed under the surveillance of the high police. If these secrets have been communicated to Dominicans residing in the Republic, the penalty shall be one to three months imprisonment, and a fine*** of ten to thirty pesos. The maximum penalty provided for in the first and third paragraphs of the present article shall necessarily be imposed if the secrets of arms and ammunition factories belonging to the State are involved.

Art. 419.- Those who, by spreading false rumors or using any other artifice, succeed in altering the natural prices that would result from the free concurrence of merchandise, shares, public or private revenues or any other things that are the object of contracting, shall be punished with imprisonment from fifteen days to three months, and a fine **** of ten to one hundred pesos. They may also be subject to surveillance by the high police for a maximum of two years.

(Added by Law 770 of October 17, 1934 G.O. 4730). The

agreement between two or more industrialists, producers or merchants, whatever the form in which they intervene, by

which it is agreed that one or more of them shall cease to be

* See explanatory note.

** See explanatory note.

*** See explanatory note.

**** See explanatory note.

The person shall be punished with a correctional penalty of one month to two years and a fine* of twenty-five to five hundred pesos, or one of these penalties only, which shall be imposed on all those who have participated in the agreement, if they are natural persons, and on the managers, administrators or directors, if they are companies or collective enterprises.

Art. 420.- When the fraud mentioned in the preceding article involves maintenance and other articles of basic necessity, the penalties indicated in said article shall be doubled.

Article 421.- Bets made on the rise or fall of public funds and effects shall be punished with the penalties established in Article 419.

Art. 422.- For the purposes of the preceding provision, there is wagering from the moment when a seller agrees to deliver or sell credits or public effects; when he cannot prove that such credits existed in his possession at the time of entering into the contract; or when he does not prove that he must have been in possession of them at the time of delivery.

Article 423.- (Modified by Executive Order 390 of **January 27, 1920, G.O. 3099**). The sellers of gold or silver articles and precious stones, who deceive the buyers with respect to the carats of those materials, or the quality and nature of the stones, shall be punished with imprisonment from one to six months, a fine** of four times the value of the objects sold, without the minimum of said fine*** being less than ten pesos. The same penalties shall be imposed on those who deceive others as to the kind, quality, weight, measure or any other attribute of any merchandise, and on those who in

their sales or purchases use false weights or measures. If the objects of the crime still belong to the guilty party, they shall be confiscated, as well as the false measures and weights, which shall be dis-

* See explanatory note.

** See explanatory note.

*** See explanatory note.

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shall be served. The court may order its judgment to be posted in such places as it may designate, and it shall be inserted in full or in excerpts in newspapers, at the expense of the convicted person.

Art. 424.- When the buyer and seller have used in their contracts, weights and measures different from those established by law, the buyer shall be deprived of any action against the seller who has deceived him, without prejudice to the public action that shall be exercised by the agents of the public prosecutor's office, not only to punish the fraud, but also to repress the use of prohibited weights and measures. The penalty in case of fraud will be that of the preceding article; and for the use of prohibited measures and weights, the police penalties of the fourth book of this code will be applied.

Article 425.- The publishing of literary productions or musical compositions, drawings and other artistic productions that are printed or recorded in whole or in part, in violation of the laws and regulations that ensure literary property, is a counterfeit that the law classifies in the number of crimes.

The sale of counterfeit works and the introduction of works originally printed in the Republic that are counterfeited abroad shall also be considered a crime of the kind referred to in the preceding Article.

Article 427.- The counterfeiters or introducers referred to in Article 425 shall be punished with a fine* of one hundred to one thousand pesos; and the sellers shall incur a fine of fifty to five hundred pesos. The copies of the counterfeit edition and the plates, molds or matrices of the counterfeit works shall be confiscated.

Art. 428.- The directors or impresarios of theaters, and dramatic societies who, in violation of the laws that

guarantee literary property, allow dramatic works to be performed in their theaters, they will be fined** of

* See explanatory note.

** See explanatory note.

twenty-five pesos to one hundred pesos, and they will also be charged with the sum that the performance of the play produces.

In the cases provided for in the three preceding articles, the proceeds of the seized objects or the seized sums shall be delivered to the owner by way of compensation for the damage caused. When the seized objects are not sold, or when the proceeds of the representation are not seized, the damages that may be claimed by the author shall be regulated in an ordinary trial.

PARAGRAPH VI: OFFENSES BY SUPPLIERS OR PROVIDERS

Art. 430.- (Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). The suppliers who by themselves, or as members of established companies, are in charge of providing supplies and victuals for the Army on land or at sea, and who without justifying a force majeure, fail to comply with their assignment, shall be punished, If for this cause the public service is paralyzed, they shall be punished with the penalty of minor imprisonment, and a fine* of twice the value of the goods they have not supplied, without this fine** being less than two hundred pesos, without prejudice to other penalties in the case of connivance with the enemy.

Art. 431.- When the paralyzation of the service is caused by the agents or employees of the suppliers, they shall be sentenced to the penalties established in the preceding article; and if one or the other have participated in the crime, the penalties indicated shall be imposed to the same degree on all the guilty parties.

Art. 432.- (Amended by Laws 224 of June 26, 2002, and amended by Laws 224 of June 26, 2002)

1984 and 46-99 of May 20, 1999). If the offenders

have been aided in the commission of a crime by public officials, agents, delegates or employees who are receiving

* See explanatory note.

** See explanatory note.

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If they are found guilty of connivance with the enemy, they shall be sentenced to rigorous imprisonment, without prejudice to other more severe penalties.

Art. 433.- When, due to carelessness on the part of the suppliers or their agents, the delivery of supplies is delayed, or when there is fraud as to the quality, quantity or nature of the articles supplied, the guilty parties shall be sentenced to imprisonment from one month to one year, and a fine* of twenty to one hundred pesos, provided that their carelessness has not resulted in the paralyzation of the service. In the cases provided for in the articles of the present paragraph, the prosecution mentioned above may not be attempted except by virtue of a denunciation by the Government.

SECTION 3: FIRE AND OTHER DAMAGE

(Modified by Laws 224 of June 26, 1984 and 46-99 of May 20, 1999). Arson shall be punished according to the following distinctions: 1st, with the penalty of thirty years of major incarceration when it is voluntarily committed in any building, ship, warehouse, arsenal or shipyard that is inhabited or serves as a dwelling, and generally in inhabited places or places that serve as a dwelling, whether or not they belong to the perpetrator of the crime; 2nd. with the same penalty, when it is committed voluntarily in carriages, wagons containing persons or not containing them, provided that they are part of a convoy containing them; 3rd. with the penalty of prison mayor, when it is committed voluntarily in buildings, ships, warehouses, arsenals or shipyards that are not inhabited or used for habitation.

(Added by Law 5856 of April 2, 1962). It is im-

shall be sentenced to two to ten years of imprisonment and a fine** of one thousand to ten thousand pesos, to the person who causes arson in the forests.

* See explanatory note.

** See explanatory note.

The company is not responsible for any damage or destruction of the forest vegetation, especially in the pine forests of the Republic, regardless of the property rights regime of the same.

Paragraph. Subsection 3 of article 434 of the Penal Code is hereby modified solely and exclusively with respect to forest fires, and subsection 4 of the same article, as amended by article 13 of Law No. 1688 of April 16, 1948, is repealed in the sense of the applicable penalty, which is replaced by that indicated in this article; 5th. With the lesser imprisonment, whoever executes it in haystacks or crops, in heaps or in ranches, barns or granaries, or in wood already worked, or in carriages or wagons loaded or not with merchandise or other movable objects that are not part of a convoy containing persons, if these objects do not belong to him; 6th. The same penalty shall be imposed on the person who has set fire to one of the objects enumerated in the preceding paragraphs, by setting fire to objects belonging to him or to another, and the placement of which was likely to cause this fire. In all the cases provided for in this article, the guilty parties shall be sentenced to thirty years of rigorous imprisonment when the fire caused the death of one or more persons, if they were in the places set on fire at the time the crime was committed.

(Modified by Laws 588 of July 2, 1970; 224 of June 26, 1984 and 46-99 of May 20, 1999). The fact of placing a bomb, mine or any other explosive device or device in a building, house, place, etc., shall be considered a crime.

(a) The commission of any act of committing any of the following acts, including but not limited to the commission of any of the following acts: committing the act of committing any other act of committing any of the following acts

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act of terrorism, shall be punishable by thirty years of rigorous imprisonment when the death of a person has been caused.

○ more persons; with the penalty of five to twenty years of rigorous imprisonment when contusions or wounds have been caused to one or more persons.

○ or more persons; with a penalty of five to ten years of major incarceration when only material damage has been caused; and with a penalty of three to five years of minor incarceration when no bodily or material damage has been caused.

Paragraph I.- Anyone who sells, introduces, introduces, manufactures, possesses, holds or carries, in any form, mines, bombs, grenades, plastic bombs, "molotov" bombs or any similar device or artifact, for the purposes indicated above, shall be punished with imprisonment.

Paragraph II.- If the guilty parties are foreigners, the intervening sentence shall provide for their deportation after the completion of the sentences imposed on them.

Paragraph III.- In these cases there shall be no bail or the benefit of the mitigating circumstances provided for in Article 463 of this Code.

Paragraph IV.- The accomplices to one of the crimes referred to in this Article shall be punished with the same penalties as those imposed on the perpetrators of that crime or offense.

Art. 436.- Those who threaten to set fire to a dwelling, or any

other property, shall suffer the penalties imposed by articles 305, 306 and 307 of this code to those who do so.

of threatening to murder.

(Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). Any person who voluntarily destroys, totally or partially, buildings, forts, dikes, causeways or other constructions belonging to private individuals; or who causes the explosion of a steam engine, shall be punished with the penalty of minor imprisonment, and a fine.

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The penalty shall not be less than one hundred pesos nor exceed one fourth of the value of the compensation awarded to the injured party. In the case of homicide, the penalty shall be thirty years of rigorous imprisonment; and in the case of serious injuries, the guilty party shall suffer rigorous imprisonment.

Art. 438.- Those who by deed oppose the commencement, continuation or completion of the works authorized by the Government, shall suffer the penalty of imprisonment from three months to two years, and a fine** of fifteen to two hundred pesos.

Art. 439.- Those who voluntarily burn or destroy the records, minutes or original acts of the public authority, or titles, bills, bills of exchange or bills of commerce or bank notes, which contain obligations or operate discharges, shall be punished with imprisonment from six months to two years, and a fine*** of ten to one hundred pesos. If the documents burned or destroyed are of a species other than those mentioned in this article, the penalty shall be correctional imprisonment from one month to one year, and a fine*** of five to fifty pesos.

Article 440 - (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). Pillage or destruction of fruits, merchandise, effects or movable property committed with violence by gangs, shall be punished with the penalty of major

incarceration, which shall be imposed individually to each one of the following

one of the culprits.

Article 441.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). However, those who justify that they did not take part in said violence, but were dragged along by the provocations or solicitations of others, may have their sentence reduced, and only a minor imprisonment may be imposed.

* See explanatory note.

** See explanatory note.

*** See explanatory note.

**** See explanatory note.

Art. 442.- When the fruits seized or destroyed are grains, flours and other articles of basic necessity, the maximum of the penalties established in article 440 shall be imposed on the leaders, instigators or provokers of the crime.

Art. 443.- The damage intentionally caused with corrosive substances or any other substances to the materials or instruments used for the manufacture of merchandise, or to the same merchandise already manufactured, shall be punished with imprisonment from one month to one year, and a fine* of ten to one hundred pesos. If the offender is a worker or operator of the factory, or an employee of the establishment where the merchandise is sold, the penalty shall be increased from six months to two years, without prejudice to the fine** provided for in the first paragraph of this article.

Art. 444.- The devastation of standing crops of plantations, or natural or man-made sowing fields, shall be punished with imprisonment from one month to one year, and subjection to the surveillance of the high police, for a period equal to that of the sentence.

Art. 445.- Those who knowingly fell one or many trees belonging to another owner shall be punished with correctional imprisonment, the duration of which shall be regulated from six days to six months for each tree they have felled, without the total of the penalties in any case exceeding five years, regardless of the number of trees they have felled.

The same penalties shall be imposed on those who mutilate, cut or bark other people's trees with the purpose of causing them to perish.

Article 447.- The destruction of grafts shall be punished with imprisonment of six days to two months, for each graft destroyed, without the duration of such penalty exceeding



two years.

Article 448.- When the felled or mutilated trees, or when the destroyed grafts serve as ornamentation for squares, roads,

* See explanatory note.

** See explanatory note.

streets or other public roads, the minimum penalty shall be twenty days.

Article 449.- A penalty of correctional imprisonment of six days to two months shall be imposed on those who knowingly cut fodder or harvest grains and other crops that do not belong to them.

Article 450.- The cutting of green crops shall be punished with imprisonment from twenty days to four months; and if the crime has been committed out of hatred towards a public employee or official, originated by reason of his office, the guilty parties shall be imposed the maximum penalty indicated in the provision that applies to the case. This aggravation shall be observed whenever the crime is committed at night.

Article 451.- Those who break or destroy agricultural implements or tools, animal corrals or guardians' huts shall be punished with imprisonment from one month to one year.

Art. 452.- The poisoning of horses or mule beasts, livestock, large or small, or fish in ponds, pools or nurseries, shall be punished with imprisonment from one month to two years, and a fine* of ten to one hundred pesos, without prejudice to the access to subjection to the surveillance of the high police for a period equal to that of the sentence.

Art. 453.- Those who without justified necessity kill beasts or cattle of others, shall be punished with imprisonment from two to six months, if the crime has been committed in places where the owner of the animal is the owner, tenant, settler or lessee, and with imprisonment from three days to one month, if the crime is committed in places where the guilty party is the owner, tenant, settler or lessee. If the offense is executed in any other place, the penalty shall be imprisonment from fifteen days to two months. The maximum penalty shall be imposed,

when there has been fence climbing.

* See explanatory note.

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Art. 454.- Those who, without justified necessity, kill domestic animals in places where the owner of the animal is a landlord, tenant, settler or lessor, shall be punished with imprisonment from six days to six months. The maximum penalty shall be imposed when there has been fence climbing.

Article 455 - In all the cases provided for in Articles 444 and following, up to and including the preceding one, the guilty parties shall be fined* from ten to forty pesos.

Article 456.- (Modified by Law 4928 of June 30, 1910 **G.O. 2098**). Those who in whole or in part blind ditches, destroy live or dry fences, of whatever material they may be made, between properties of different owners; Those who with the purpose of making the boundaries or guardrails that divide the properties between them disappear, suppress the milestones or cornices, the fences whatever their nature, the trees planted to establish the division between two or more properties or any sign destined to that purpose, shall be punished with imprisonment from one month to one year, and a fine** of ten to one hundred pesos.

Art. 457.- A fine*** of ten to one hundred pesos shall be imposed on owners, lessees or other persons who, having the use of mills, mills or ponds, flood the roads or properties of others, raising the slope of their waters to a height greater than that determined by the competent authority. If the flooding results in damage, the guilty parties shall also be sentenced to imprisonment from six days to one month.

Art. 458.- Fire caused in another's property, due to negligence or imprudence, shall be punished with a fine**** of twenty to one hundred pesos. It shall be deemed to be caused by imprudence or negligence:

1st. the burning of chimneys, houses, mills or forges, when

* See explanatory note.

** See explanatory note.

*** See explanatory note.

**** See explanatory note.

The result of the dilapidation of the offices, or for lack of repair or cleaning; 2nd. that of forests, pastures, savannas, sowings, mounts, crops and other combustible materials, piled up or deposited in houses, barns or any other building, when they have been repaired or cleaned; 3rd. that of forests, pastures, savannas, sowings, mounts, crops and other combustible materials, piled up or deposited in houses, barns or any other building, when they have been repaired or cleaned.

3rd. that of the cases enumerated in the preceding paragraphs, when it results from having carried lighted candles or candlesticks, and having left them without the necessary precautions in places susceptible to fire.

Art. 459.- (Modified by Law 1337 of January 26, 1947 **G.O. 6575**). The guards or persons in charge of beasts or cattle that are attacked by contagious diseases, and who leave them in communication with the other cattle and beasts, and do not inform of the case to the district mayor, or to the Justice of the Peace, shall be punished with imprisonment from six days to two months, and a fine* of five to fifty pesos.

Art. 460.- It shall also be punished with imprisonment from six days to two months, and a fine** from five to fifty pesos, to those who, in violation of the provisions of the authority, leave their infected animals or livestock in communication with those that are not infected.

Art. 461.- When as a consequence of the communication in which the animals are left, the contagion spreads to those who were exempt from the disease, a prison sentence of one to six months and a fine*** of ten to one hundred pesos shall be imposed on the violators of the regulations issued by the administrative authority, without prejudice to the provisions of

the laws and regulations related to epizootic diseases.

Art. 462.- When the guilty parties of the offenses mentioned in

This chapter, exercise the functions of agricultural inspectors.
culture, town mayors or police officers or agents,

* See explanatory note.

** See explanatory note.

*** See explanatory note.

Whatever its denomination, the penalties shall be aggravated in the proportion of one third more than those established for others guilty of the same crime.

GENERAL PROVISIONS

Article 463.- (Modified by Laws 224 of June 26, **1984 and 46-99 of May 20, 1999**). When there are extenuating circumstances in favor of the accused, the courts shall modify the penalties, according to the following scale:

1st (Implicitly modified by Article 8 of the **Constitution of the Republic**). When the law pronounces the penalty of thirty years of rigorous imprisonment, the maximum penalty of rigorous imprisonment shall be imposed. However, in the case of crimes against the internal or external security of the State, the criminal court, by its sentence of conviction, shall place the convicted persons at the disposal of the Government, so that they may be removed or expelled from the territory;

When the penalty of the law is that of the maximum of major incarceration, three to ten years of such penalty shall be imposed, and even that of minor incarceration, if there are more than two extenuating circumstances in favor of the offender;

3rd (Modified by Law 5901 of May 14, **1962**). When the law imposes for the crime that of major imprisonment which is not the maximum, the tribunals may reduce the penalty to that of minor imprisonment, or of correctional imprisonment

whose duration may not be less than one year, unless the law allows a reduction of the imprisonment to a lesser term of imprisonment, or of correctional imprisonment whose duration may not be less than one year, unless the law allows a reduction of the imprisonment to a lesser term of imprisonment.

time;

- 4th (Implicitly modified by Article 8 of the **Constitution of the Republic**). When the punishment is minor confinement, detention, banishment or civic degradation, the courts shall impose the

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Correctional imprisonment, with a minimum sentence of no less than two months;

When the code pronounces the maximum of an afflictive penalty, and there are mitigating circumstances in favor of the defendant, the courts shall apply the minimum of the penalty, and may even impose the lesser penalty to the degree they deem appropriate;

60. When the code simultaneously pronounces the penalties of imprisonment and fine, the correctional courts, in the case of extenuating circumstances, are authorized to reduce the time of imprisonment to less than six days, and the fine* to less than five pesos, even in the case of recidivism. They may also impose one or the other of the penalties referred to in this paragraph, and even replace imprisonment with a fine, but in no case may penalties less than those of a simple police officer be imposed.

* See explanatory note.

***BOOK FOUR: POLICE
CONTRAVENTIONS AND THEIR
PENALTIES***

**CHAPTER I:
OF THE PENALTIES**

Article 464.- The penalties in police matters are: arrest, fine* and confiscation of certain seized objects.

Article 465.- Arrest for police offenses shall be from one to five days, according to the cases and distinctions to be established hereinafter. The days of arrest consist of twenty-four hours.

Article 466.- Fines for police offenses shall be imposed from one to five pesos inclusive, according to the cases and distinctions established hereinafter.

Article 467.- The proceeds of the fines shall be paid into the common fund of the place where the violation was committed.

Art. 468.- When the assets of the convicted person are not sufficient to cover all the sentences to be pronounced, the payment of restitution and compensation due to the injured party shall take precedence over the fine.

Art. 469.- The payment of restitution shall be demanded even by means of a writ of execution, and the convicted person shall remain in prison until full payment is made.

Art. 470.- The police courts shall also pronounce, in the cases determined by law, the confiscation of useful things and instruments intended for, produced or taken in contravention.

* See explanatory note.

CHAPTER II: CONTRAVENTIONS AND PENALTIES

SECTION 1: FIRST CLASS

Article 471.- A fine of one peso shall be imposed at* :

- 1.- Those who neglect the repair and cleaning of ovens, chimneys and machines where the use of fire and firewood is made;
- 2.- Those who shoot fireworks in a place prohibited by the authority;
- 3.- The funders and other persons who neglect the delivery, when this duty is imposed on them by the municipal regulations;

(Modified by Law 4381 of February 7, 1956 **G.O. 7945**).

Those who also neglect the cleaning of streets or places of transit, in municipalities where such care is left to the inhabitants;

- 5.- Those who hinder a public road, depositing or leaving on it, unnecessarily, materials or any other things that impede the freedom of traffic, or diminish its safety;
- 6.- Those who infringe the safety rules regarding the deposit of materials in streets or squares and the opening of wells and excavations;
- 7.- Those who infringe the regulations concerning local roads;
- 8.- Those who throw or deposit in front of their buildings, materials and objects that by their nature

may be harmful in their fall, or harmful because of their unhealthy exhalations;

* See explanatory note.

- 9.- Those who on streets, roads, squares, public places
 - in the fields, leave machines, instruments or weapons that can be abused by thieves and criminals;
- 10.- Those who extinguish the public lighting, or that of the exterior of the doorways or stairways of the houses;
- 11.- Those who pick and eat fruit on someone else's property, provided that the fact does not involve other circumstances provided by law;
- 12.- Those who scandalize with their drunkenness;
- 13.- Those who go out wearing a mask, at a time not permitted, or in a manner contrary to the regulations;
- 14.- Those who bathe in a public place, breaking the rules of decency;
- 15.- Those who throw dead animals in forbidden places;
- 16.- Those who, without having been provoked, insult any person, except for the cases provided for in the treatise on defamation and insult;
- 17.- Those who imprudently throw filth on one or more persons;
- 18.- Those who, without right, enter into another's land, seeded or prepared for sowing. For the purposes of this provision, those who are not owners, settlers or lessees of the land, or who are not agents or managers thereof, shall be deemed to be without right,
 - who do not have the right of way through the land;

19.- Those who let their livestock or beasts graze in the fields.

20.- Those who infringe the regulations issued by the administrative authority within the circle of its attributions;

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21.- Those who do not submit to the regulations and decisions issued by the municipal authority, by virtue of the powers granted to it by law.

In the cases provided for in paragraphs 2 and 9 of this article, the fireworks, machines and instruments mentioned therein shall be confiscated.

Article 473.- Arrest of one to three days may be pronounced simultaneously with a fine in those cases in which, according to the circumstances, and in the judgment of the judge hearing the contravention, the guilty parties deserve this penalty.

Art. 474.- In case of recidivism, and whatever the circumstances may be, the guilty parties shall always be sentenced to arrest for a maximum of three days.

SECTION 2: SECOND CLASS

Art. 475.- They shall incur the penalty of a fine* from two to three pesos inclusive:

- 1.- Those who infringe the rules and regulations relating to the harvesting of fruits.

(Modified by Law 620 of May 23, 1944 **G.O. 6090**). The owners or managers of hotels or inns, or boarding houses, who omit to record, in the registers that must be kept for such purpose, the names of the

persons who sleep or stay in them, shall not be liable to pay any compensation.

(a) if they spend a day or a night in their establishments; as well as their age, marital status, color, profession or trade, nationality and habitual residence, as well as the place of origin, date of entry, place of destination and date of departure, with annotation of the number and series of the Personal Identity Card and the number of the Internal Revenue stamp corresponding to the last year's tax; or that

* See explanatory note.

when making the inscriptions, leave blank spaces between lines; or who make erasures in the writings that make them difficult to read or intercalations that alter them; or who refuse to render to the police authorities the reports related to such inscriptions; or who in any way impede the free exercise of the authorities cited in the investigation of any case related to the same; without prejudice to the liability imposed on them by Article 73 of this Code, for crimes and offenses that may or may have been committed by those who have stayed in their establishments, and whose names and other personal data are not regularly recorded in their registers.

- 3.- Muleteers or muleteers, carriage drivers and wagon drivers who abandon their beasts in the middle of a street, road or square;
- 4.- Those who obstruct public traffic with their carriages or beasts of burden;
- 5.- Those who tie their beasts to the doors, interrupting the passage on the sidewalks;
- 6.- Those who run carriages or horses in the streets and squares to the detriment of persons and in violation of the regulations of the public authority;
- 7.- Those who violate the rules established with respect to the load to be carried by carts, carriages and beasts;
- 8.- Those who fail to register their carts at the town hall, and number them in the place indicated to them;
- 9.- Those who in the streets, roads, squares or public places, or those who in the streets, roads, squares or public places

The Company shall not be liable for the costs of any raffles or games of chance;

- 10.- Those who sell counterfeit beverages, without prejudice to more serious penalties, in the event that the beverages contain mixes that are harmful to health;

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- 11.- Those who let wander mad or furious people entrusted to their care, or ferocious or harmful animals;
- 12.- Those who do not restrain their dogs, or whip them when they attack or chase passers-by, even if they do not cause any harm;
- 13.- Those who throw stones, filth or other throwing objects on houses, buildings or fences of others;
- 14.- Those who throw filth, stones or other hard bodies on passers-by;
- 15.- Those who have on balconies, windows, rooftops or other external points of their house, pots or other objects, in violation of police rules;
- 16.- Those who, without being owners or usufructuaries, or who, without having the enjoyment of land or the right to grazing, enter it when the crops are in full production, or when the fruits in shells or cobs are ready to be harvested or are close to being harvested;
- 17.- Those who allow cattle or large beasts to enter into another's sown land;
- 18.- Those who refuse to receive the national coins of good law, for the value they have in their legal circulation;

- 19.- Those who in times of accident, tumult, disaster, flood, fire or other calamities, as well as in cases of robbery, plunder, flagrante delicto, etc., are in danger of being caught in the act.

crime, public outcry or judicial execution, when they are able to do so, refuse to render the services, aid or assistance required of them by the public authority;

Those who are in the cases of Articles 283 and 288 of this Code;

21.- Those who sell damaged, corrupted or noxious foodstuffs;

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(Modified by Law 583 of October 14, 1941 G.O. 5656).

Those who, for their own consumption, steal fruits pending from trees or crops, provided that none of the circumstances provided for in Article 388 apply;

23.- Those who exercise without a degree, acts of a profession that requires it;

24.- Those who wear uniforms or other badges that do not correspond to them;

25.- Those who infringe the hygienic or safety rules, agreed upon by the authority in times of epidemic or contagion;

26.- Those who, disregarding the orders of the authority, dis-

to repair or demolish dilapidated buildings;

27.- Those who give public spectacles without a license from the authority, or transfer the license granted to them;

28.- Those who infringe the police rules with the production of foul-smelling or unhealthy objects, or who throw them into the streets;

29.- Those who throw debris in public places, in

contravention of police regulations;

30.- Those who pile up garbage in destroyed houses; 31.
local or doctor's office, sell poisonous substances;

Art. 476.- In addition to the fine* indicated in the preceding article, the courts are empowered to impose, according to the circumstances, the penalty of one to three days of arrest on carters, carriage drivers, coachmen and drivers who are in violation; on those who violate the regulations that determine the loading of wagons or beasts; on those who violate the regulations that determine the loading of wagons or beasts; on those who violate the regulations that determine the loading of wagons or beasts; on those who violate the regulations that determine the loading of wagons or beasts; and on those who violate the regulations that determine the loading of wagons or beasts.

* See explanatory note.

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of counterfeit beverages, those who throw hard bodies and filth.

Article 477.- They shall be seized and confiscated:

- 1.- The equipment used for games and raffles, and the funds and other objects placed in raffles or games;
- 2.- Counterfeit beverages, which are in the seller's possession and belong to him; which shall be forfeited;
- 3.- The writings and engravings contrary to good customs: these objects will be broken.
- 4.- Damaged, corrupted or noxious foodstuffs; these foodstuffs shall be destroyed.

Art. 478.- In case of recidivism, all the persons mentioned in article 475 shall be punished with one to five days of arrest. Those who reoffend with respect to the establishment of games and raffles in streets, roads and public places, shall be sent to the correctional court, where they shall be punished with imprisonment from six days to one month, and a fine* from five to fifty pesos.

SECTION 3: THIRD CLASS

Article 479.- It shall be punished with a fine** of four to five pesos inclusive:

- 1.- To those who, outside the cases provided for in Articles 434 to 462 inclusive, voluntarily cause damage to property and furniture of others;
- 2.- To those who, as a result of the wandering of mad or furious people, or of harmful or ferocious animals, cause

the death or injury of livestock or other animals;

* See explanatory note.

** See explanatory note.

- 3.- To those who cause the same damage, as a consequence of the speed or bad direction of the beasts, carriages, etc.
 - roads that they are drivers, or from the excessive burden placed on them;
- 4.- To those who have caused the same accidents by the dilapidation, deterioration or lack of repair or maintenance of houses or buildings, or by the destruction or excavation or any other works in or near public squares, roads or thoroughfares, without the precautions or signs of use;
- 5.- To those who cause the same damage by clumsiness
 - lack of necessary precaution in the handling of weapons;
- 6.- To those who cause the same damage, throwing stones or other hard bodies;
- 7.- (Modified by article 27 of Law 3925 of **September 16, 1954 G.O. 7761**). To those who use in their traffic weights or measures that are not contrasted;
- 8.- Pharmacists who dispense medicines on the basis of prescriptions that are not duly authorized;
- 9.- Pharmacists who dispense medicines of poor quality or substitute one for another;
- (Modified by article 27 of Law 3925 of **September 16, 1954 (Official Gazette 7761)**). To those who use in their traffic, weights or measures different from those established by the laws in force;

11.- (Modified by Article 27 of Law 3925 of December 16, 2001). **September 1954 G.O. 7761**). To bakers or

butchers selling bread or meat of poor quality, and without having the weight for which they should sell;

- 12.- To those who for profit interpret dreams, make predictions or divinations; or who in any other similar way abuse credulity;

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- 13.- To those who take part in cencerradas or other reunions offensive to any person, and that disturb the tranquility of the inhabitants;

- 14.- To those who intentionally remove or tear down the notices or notices posted by order of the authority;

- 15.- To those who take beasts of any kind to other people's land, and especially to pastures, sugar cane fields, cornfields, coffee plantations, cacaguales, grain fields, fruit trees or seedbeds and plantations of any kind, arranged by the hand of man;

- 16.- To those who deteriorate public roads in any way, or who usurp part of their width;

(Modified by Law 4381 of February 7, 1956 **G.O. 7945**).

To those who, without being duly authorized, remove grass, earth or stones from public roads, or who, in places belonging to the municipalities, take mud or materials, unless there is a general use that authorizes it.

Article 480.- Arrest for a maximum of five days may be pronounced according to the circumstances:

- 1.- (Repealed by Law 1268 of October 17, 1946 G.O. 6518);**

2.- (Repealed by Law 3925 of September 16, 1954 G.O. 7761);

3.- Against those who use weights, weights and measures not determined or established by law;

Against bakers and butchers, in the cases provided for in paragraph 11 of the preceding article;

5.-Against the authors and accomplices of injurious and nocturnal disturbances;

Article 481.- They shall be seized and confiscated:

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1.- (Repealed by Law 3925 of September 16, 1954 G.O. 7761);

2.- The meat and bread, in its weight, will be destined to the hospices and prisons;

Instruments, costumes and effects that are used or intended for divination and other deceptions;

Article 482.- In case of recidivism, the penalty of arrest for five days shall always be imposed on those guilty of the offenses referred to in Article 479.

COMMON PROVISIONS TO THE THREE PRECEDING RULES

Article 483.- In all cases provided for in this book, recidivism shall be deemed to exist when the person guilty of a police offence has been punished by the court hearing the second offence within the twelve months preceding the commission of the first offence. The provisions of Article 463 shall apply to the cases dealt with in this book.

GENERAL PROVISIONS

Article 484.- In all cases in which the courts are authorized to impose the accessory penalties of absolute disqualification from the exercise of the rights referred to in Article 42, and where no time is specified for the duration of such interdiction, it shall be understood that it may be pronounced from one to five years. The same duration shall apply to subjection to the supervision of the high police, in cases where it is not expressly determined.

Art. 485.- When the order is issued for restitution, the duration of such penalty may not exceed fifteen days, when the convicted person justifies his insolvency.

Article 486.- Municipal ordinances and other general or particular regulations of the public administration which may hereafter be published shall not establish any greater

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penalties than those established in this book, even when they are to be imposed by virtue of governmental powers, unless otherwise determined by special laws, decreed by the Legislative Body.

RESOLUTION No. 4699

OF JUNE 28, 1906, G.O. 1700 AND 1701 INTERPRETING ARTICLE 486 OF THE PENAL CODE

Sole: To interpret article 486 of the Penal Code in force in the sense that: The City Councils are empowered to determine as a sanction of the municipal ordinances that dictate the penalties established in the Fourth Book of the Penal Code; and that those ordinances that do not have ex-

The penalties shall be in accordance with article 461, paragraph 21, of the same code.

Art. 487.- Those who are currently serving a life sentence shall enjoy the benefit granted by the present Code, and said sentence shall be reduced to the maximum of the maximum term of imprisonment.

LAW NUM. 12-07

January 5, 2007, promulgated by the Executive Power on January 24, 2007 and published in the Official Gazette No. 10409, which establishes that the fines or penalties for the different infractions, whether crimes or offenses, whose amount is less than one third of the minimum salary of the public sector, are raised to said amount, as well as raising the contraventions in the amount between one fifth and one third of said salary.

THE NATIONAL CONGRESS

In the Name of the Republic

CONSIDERING FIRST: That the amount of the fines contained in our Penal Code and special laws in force respond to economic and social realities different from the present;

WHEREAS, the operating costs involved in the collection of such fines are so high that the effectiveness of these penalties has become irrelevant and out of proportion;

CONSIDERING THIRD: That the Executive Branch, me-

By Decree No. 528-05, dated September twenty (20) of the year two thousand five (2005), declared of national interest the installation of the New Penitentiary Model in the Dominican Republic and consequently the establishment of a new management and administration system in the Correction and Rehabilitation Centers, as well as the control and security in charge of the new Prison Treatment Officers (VTP), which would allow a greater possibility of reintegration into society and constitutes an effective policy in the prevention of criminality;

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CONSIDERING FOURTH: That the New Penitentiary Model imposes on the Office of the Attorney General of the Republic commitments that entail the expenditure of funds in excess of the allocated funds;

FIFTH CONSIDERATION: That in order to guarantee the inherent rights of the human beings held in the modern Correction and Rehabilitation Centers into which Dominican prisons must be transformed, a greater concentration of both economic and human resources is necessary for their strengthening and development;

CONSIDERING SIXTH: That the improvement of the prison system is in the best interest of Dominican society;

SEVENTH CONSIDERING: That the penalty of fine has a dissuasive character and constitutes a fiscal measure that aims to provide the State with resources to combat and prevent crime.

SIGHT: The Constitution of the Republic.

IN VIEW OF: The Penal Code of the Dominican Republic.

IN VIEW OF: The Code of Criminal Procedure of the Dominican Republic-.

na.

IN VIEW OF: Law No. 821 of Judicial Organization.

HAS GIVEN THE FOLLOWING LAW:

It is hereby established that the fines or pecuniary sanctions for the different infractions, whether crimes or offenses, the amount of which is less than one third of the minimum salary of the public sector, shall henceforth be raised to said amount.

Article 2. The fines or pecuniary sanctions for cases of contraventions shall be established by the competent court in the amount between one-fifth and one-third of the minimum wage of the public sector.

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A special fund is hereby created for the application and development of the New Prison Model, under the responsibility of the Office of the Attorney General of the Republic, to administer all collections obtained from fines collected by said institution, through the application of this Law.

Article 4. All those articles in the Penal Code in force and in any other special legislation of a penal nature that establish fines or penalties for the different infractions contrary to the present Law are hereby amended.

GIVEN in the Sessions Room of the Senate, Palace of the National Congress, in Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on the seventeenth (17th) day of the month of October of the year two thousand six (2006); 163rd anniversary of the Independence and 144th anniversary of the Restoration.

Reinaldo Pared Pérez,



Amarilis Santana Cedano,
Secretary

Diego Aquino Acosta Rojas,
Secretary

GIVEN in the Chamber of Sessions of the Chamber of Deputies, Palacio del Congreso Nacional, in Santo Domingo de Guzmán, Distrito Nacional, capital of the Dominican Republic, on the fifth (5th) day of January of the year two thousand seven (2007); 163rd anniversary of the Independence and 144th anniversary of the Restoration.

Julio César Valentín Jiminián,
Chairman

Maria Cleofia Sanchez Lora,
Secretary

Teodoro Ursino Reyes,
Secretary

LEONEL FERNANDEZ
President of the Dominican Republic

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In exercise of the powers vested in me by Article 55
of the Constitution of the Republic.

PROMULGATE the present Law and order it to be published in
the
the Official Gazette, for its knowledge and compliance.

GIVEN in Santo Domingo de Guzmán, Distrito Nacional, ca.

pital of the Dominican Republic, on the twenty-four (24) day of January of the year two thousand seven (2007); 163rd anniversary of the Independence and 144th anniversary of the Restoration.

LEONEL FERNANDEZ